

7A-105 12/16/77  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 16 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____ b6
Mr. Conrad	_____ b7C
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR007 KX PLAIN

9:03 PM NITEL 12-16-71 WEH 2P

TO DIRECTOR, FBI  
JACKSONVILLE (164-103)  
MEMPHIS (164-76)  
FROM KNOXVILLE (164-33)

GEORGE MALLORY GIFFE, JR., AKA, DECEASED; ET AL. CAA  
DASH HIJACKING; INTIMIDATION OF CREW MEMBERS; CARRYING A  
CONCEALED WEAPON; KIDNAPING. FTCA. OO: JACKSONVILLE.

RE MEMPHIS TELETYPE DECEMBER SIXTEEN, INSTANT.

ATTEMPTS TO LOCATE CABLEIGH HAYES, ATTORNEY, CHATTANOOGA,  
TENNESSEE, NEGATIVE. CHATTANOOGA BAR ASSOCIATION, CIRCUIT  
COURT, CLERK AND MASTERS COURT, TELEPHONE DIRECTORY, CITY  
DIRECTORY ALL NEGATIVE RE HAYES.

ATTEMPTS TO LOCATE A [REDACTED] CHATTANOOGA AREA,  
ALSO NEGATIVE.

[REDACTED] LOVELL FIELD, CHATTANOOGA, STATED HE WAS  
NOT ACQUAINTED WITH ANY LEAR JET OWNERS BY THE NAME OF [REDACTED]

[REDACTED] ACQUAINTED WITH MOST PEOPLE WHO FLY LEAR  
JETS IN AND OUT OF CHATTANOOGA.

END PAGE ONE

57 DEC 27 1971

EX-100

REC-35

2042-282  
20 DEC 17 1971

KX 164-33

PAGE TWO

[REDACTED] AND WIFE, [REDACTED] INTERVIEWED AT  
THEIR RESIDENCE, [REDACTED] INSTANT DATE. [REDACTED]  
KNEW SUBJECT [REDACTED] FROM APPROXIMATELY NINETEEN SIXTYTHREE  
TO SIXTYNINE; HOWEVER SUBJECT GIFFE UNKNOWN TO [REDACTED]  
[REDACTED] DESCRIBED [REDACTED] AS GOOD FAMILY MAN, ACTIVE CHURCH  
MEMBER AND PERSON OF GOOD MORAL CHARACTER. THEY HAVE HAD  
NO CONTACT WITH [REDACTED] IN PAST TWO YEARS. [REDACTED]  
STATED SHE HAD LUNCH WITH SUBJECT [REDACTED] AND WIFE, [REDACTED]  
NASHVILLE, TENNESSEE, TWO WEEKS PRIOR TO HIJACKING. SUBJECT  
[REDACTED] MADE STATEMENT HE WAS OPENING A NIGHT CLUB IN NORTH  
NASHVILLE AND INDICATED HE WAS GOING TO HAVE A BLACK PARTNER.  
NO MENTION OF SUBJECT GIFFE.

b6  
b7C

FD THREE ZERO TWO'S FOLLOW. P.

END

RECD TWO

KPT FBI WASH

CLR

SAC, Jacksonville (164-103)

December 16, 1971

Director <sup>REC 28</sup> FBI (164-2042) <sup>283</sup>

1 -

b6  
b7C

*pu*  
GEORGE M. <sup>(P)</sup> GIFFE, JR.  
(DECEASED), ET AL  
CAA - HIJACKING;  
INTIMIDATION OF CREW  
MEMBERS; CARRYING CONCEALED  
WEAPON; KIDNAPING; FTCA

Enclosed find verbatim tape transcript of tower  
conversation prepared by the Laboratory.

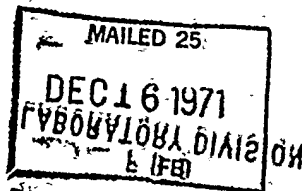
The underlined words on the transcript represent  
the best interpretation of what was said during garbled  
portions of the tape. Since these underlined words are  
interpretations, they should only be used to refresh the  
minds of the Agents who were present at the time of the  
recording inasmuch as they are more familiar with the names,  
dates, etc, that may have been spoken.

Enclosure

JFH:bkc  
(4)

*WV/Ram*

Tolson \_\_\_\_\_  
Felt \_\_\_\_\_  
Rosen \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Miller, E.S. \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
Dalbey \_\_\_\_\_  
Cleveland \_\_\_\_\_  
Ponder \_\_\_\_\_  
Bates \_\_\_\_\_  
Tavel \_\_\_\_\_  
Walters \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_



DEC 16 5 45 PM '71

34 JAN 5 1972

*h*  
LABORATORY DIVISION  
FBI  
DEC 16 15 30 PM '71  
RECEIVED

MAIL ROOM ☐ TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Conrad

DATE: 12/14/71

FROM :

SUBJECT:

GEORGE MALLORY GIFFE, JR.;  
AND OTHERS  
CRIME ABOARD AIRCRAFT;  
KIDNAPPING

Tolson \_\_\_\_\_  
Felt \_\_\_\_\_  
Rosen \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Miller, E.S. \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
Dalbey \_\_\_\_\_  
Cleveland \_\_\_\_\_  
Ponder \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference memorandum R. J. Gallagher to Mr. Bates 11/8/71, CBjr:bkc.

A verbatim tape transcript has been prepared by the Laboratory to assist the Jacksonville office in making a revised transcript. In view of allegations concerning background conversations which took place in the control tower at Jacksonville, the Laboratory has attempted to recover as much speech as possible from the tape recordings.

Underlined words on the transcript represent the best interpretation of what was said during garbled portions of the tape. Since these underlined words are interpretations, they should only be used to refresh the memory of the Agents who were present at the time of the recording inasmuch as they are more familiar with the names, dates, etc., that may have been spoken.

## RECOMMENDATION:

That this memorandum with attached transcript be referred to the General Investigative Division.

Enclosures (4)

- 1 - Mr. Rosen
- 1 - Mr. Bates
- 1 - Mr. Conrad

1 - [Redacted]  
1 - [Redacted]

JES:skb

(6)

ENCLOSURE

REC-28

164-2042-283

16 DEC 17 1971

Let to JK  
enclosing verbatim  
tape transcript  
JFH:bkc  
12-16-71



Tape  
transcripts

VERBATIM TRANSCRIPT OF  
APPROACH CONTROL  
JACKSONVILLE, FLORIDA 10/4/71

Eight hours forty-six minutes, fifteen seconds

Tower: They think he might wanna land here, if he got ---- on it.

Tower: ---- don't let him ----

Tower: Radar contact.

Tower: ----

Tower: Jacksonville, I got a ----

Tower: (Background conversation inaudible).

Tower: Within six miles ---- right now ----.

Tower:

b6  
b7C

Tower: Yeah!

Tower: Is that him about fifty don't cha think?

Tower: Yes.

Tower: Who's behind him?

Tower: I don't know.

Tower: Ah so.

Tower: Unless it's another one.

Tower: ---- they scrambled us ---- Beechcraft  
-----.

Tower: They might have ----.

Tower: ---- thirty-one ----.

Tower: Done.

164-2042-283  
ENCLOSURE

Tower: Five eight November 'is radar.

Tower: -----

Tower: Yes.

Tower: (Background conversation inaudible).

Tower: Go ahead.

58N: Jax approach, commander nine zero five eight November is with you out of eleven for, uh, I think it's five.

Tower: Turn to five, uh, eight November Jacksonville approach control your radar contact. You're landing at International is that correct?

58N: Uh, that is affirmative.

Tower: Roger, what's yer compass heading, sir?

58N: One three oh.

Tower: Commander five eight November, Roger. Try heading of one five zero for vector to the final approach course for an ILS approach to runway seven, maintain five.

58N: OK heading one five oh and, uh, maintain five we're out of eleven.

58N: ----- kinda visibility ya got down there now?

Tower: Civilian visibility is five with ground fog and smoke and runway visual range is more than six thousand feet.

58N: Five eight November, Roger.

58N: Uh, has our request been, uh, complied with?

Tower: We're checkin' on it for ya right now, sir.

Tower: He wants to know if their request ----- complied with.

Tower: We've been advised by aircraft services that they're trying to or are attempting to get, uh, your request completed.

58N: Thank you.

Tower: I have a request on your, uh, Freeport weather, you ready to copy?

58N: Uh, yeah, uh, go ahead.

Tower: OK, they're reporting at the last observation one thousand, five hundred scattered, visibility one zero. Two niner niner five the altimeter. Cumulus south. No wind to zero four zero degrees at four.

58N: OK, that was fifteen hunnert scattered an ten mile.

Tower: Commander five eight November, that's correct, sir.

58N: Thank you.

Tower: Commander five eight November descend and maintain two thousand.

58N: OK, we're outa nine for two.

Tower: Jacksonville altimeter now sir is two niner niner seven.

58N: Two niner niner seven.

Tower: ----

Tower: Uh, commander five eight November, turn right heading one eight zero.

58N: One eight oh, five eight November.

Tower: (Background conversation inaudible).

Tower: Commander five eight November continue descent to maintain one thousand, six hundred.

58N: OK, we're down to one thousand six hundred, five eight November.

58N: OK, we're out, uh, fifty-five hunnerd, uh, five eight November was that down to fifteen hunnerd.

Tower: Commander five eight November, one thousand, six hundred, sir.

58N: OK, one thousand six hundred.

Tower: No I think it's a ---- C sixty or a grand commander if he can carry ---- people.

Tower: Aero commander five eight November, turn left heading one three zero six miles from, uh, outer compass locator.

58N: Three oh 'is five eight November.

58N: Uh, you all gonna maintain, uh, clearance around the plane about two, three hundred yards?

Tower: That information has been forwarded.

58N: Roger.

Tower: Commander five eight November, what is your altitude now?

58N: We're outa twenty-four.

Tower: Roger.

Tower: Commander five eight November turn left heading one zero zero.

58N: One zero zero, five eight November.

Tower: Continue left, sir, to zero eight zero to intercept localizer course. Four miles from the marker cleared for straight in ILS approach to runway seven.

58N: OK, zero eight zero to intercept clear for the approach. You want us to stay this freq?

Tower: I'll have a frequency change here for you shortly.

Tower: Hey, uh ----

Tower: Yeah. He wants to stay with you, he's clear to land.

Tower: Whatever he wants to do.

Tower: Uh, you can, shu got it up there too if you want to talk to him.

Tower: I don't need him, I'll change him over if he wants a.

Tower: Commander five eight November you can remain this frequency, you're cleared to land runway seven. You're two and a half miles from the marker now cleared for the approach straight in.

58N: OK.

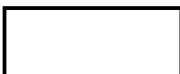
Tower: The wind is variable at four.

58N: Roger.

58N: Five eight November, we got the airport.

Tower: Commander five eight November, thank you.

Tower:



b6  
b7C

Tower: Yeah.

Tower: I think I'll switch him over to you cause I

58N: Uh, where they havin' us to refuel at.

Tower: ((All right)), yer gonna be able to, uh, help him about gittin' to where he's supposed to go.

Tower: Yeah, put him over here.

Tower: Commander five eight November, contact the tower now one one eight point three, sir, and, uh, he'll have, uh, taxi direction information for ya when ya land.

58N: Roger.

*X Tape transcripts*  
VERBATIM TRANSCRIPT OF  
JACKSONVILLE TOWER  
JACKSONVILLE, FLORIDA, 10/4/71

Time

Channel: Nine hours, zero minutes, twenty-five seconds.  
Nine hours, zero minutes, thirty seconds.

58N: Three oh 'is five eight November.

58N: Uh, you all gonna maintain, uh, clearance around the plane about two three hunnert yards?

58N: Roger.

58N: We're out a twenty four.

58N: One zero zero five eight November.

58N: OK, zero eight zero to intercept clear for the approach. You want us to stay this freq?

Tower: Hey, uh ----

Tower: Yeah.

Tower: He wants to stay with you, he's clear to land. Whatever he wants to do.

Tower: Uh, you can, shu got it up there too if you want to talk to him.

Tower: - Uh, huh, I don't need him, I'll uh change him over if he wants a change over.

Tower: Uh

58N: OK.

58N: Roger.

58N: Five eight November, we got the airport.

Tower:

b6  
b7C

164-2042-283  
ENCLOSURE

Tower: Yeah.

Tower: I think I'll switch him over to you 'cause I...

58N: Uh, where they havin' us to refuel at?

Tower: All right (change him on over Yer gonna be able) to uh help him about gotten to where he's supposed to go.

Tower: Yeah, put him on here.

58N: Roger.

58N: Uh, Jacksonville, uh, commander nine zero five eight November, we're outside the marker.

Tower: Commander nine zero five eight November Jacks. ---- you're cleared to land straight in runway seven. The wind is two eight zero degrees at three.

58N: Roger.

Tower: -----

Tower: Jacksonville, I don't know where his (yeah) the terminal is.

Tower: I'm I'm just listenin'.

Tower: OK.

Tower: Air command terminal is one where the private aircraft come in. That is the road to your right just before you get to the control tower.

Background: Repeat station.  
(Bkgnd)

Bkgnd: Advise he can't ----  
--- gets you to control tower.

Bkgnd: -----

Bkgnd: -----

Tower:

b6  
b7C

Tower: Yeah.

Tower: Just in case he asks you, uh, all of his uh requests or demands either one which ever way he phrases it have been forwarded to the Fixed Base Operator, and that's where we're sending him.

Tower: OK.

Tower: OK?

Bkgnd: -----

Bkgnd: No I think in the rear he'll copy -----

Bkgnd: What's the story?

Bkgnd: -----

Bkgnd: Yeah that's -----

Bkgnd: Ya, who's this?

Bkgnd: I'm up in the tower.

Bkgnd: I think he's down here or down at the tower with

b6  
b7C

Bkgnd: That's what he said, he's at the tower -----

Bkgnd: -----

Bkgnd: ---- they're on their way -----

Tower: On at Jacksonville nine oh eight

Tower: Zero nine zero eight.

Tower: And twenty seconds Greenwich.

Bkgnd: One thirty two.

Tower: Yeah.

Tower: Good, that's close enough!

-3-  
-8-



Bkgnd: Go ahead one six.

Bkgnd: We're turnin' off on airport road now, where do ya want us?

58N: ---- five eight November, we're on the ground and uh have all of our uh requests been complied with?

Tower: Commander nine zero five eight November, you can taxi straight ahead to the second intersection. Taxi straight ahead on the runway.

58N: OKAY straight ahead on th' runway to the uh second intersection.

Tower: That's affirmative. Be a right turn off at the second intersection.

58N: Be a right turn off..

Bkgnd: ----- got the -----

Bkgnd: Cancel those ----, stand-by a minute

Bkgnd: What they're doin' over there is talking him into a uh isolated area to the, the southwest of the air ----- Building an I already told 'em don't bring the starter over til he turns his motors off -----

Bkgnd: ----- talking -----

Tower: Commander nine zero five eight November, right turn off at the next intersection and taxi across the parallel straight in to Air Command.

58N: OK, straight into Air Command.

Bkgnd: Nine to five.

Bkgnd: Go ahead.

Bkgnd: Uh, is he coming in there now? Yes.

Bkgnd: We're still about a mile and a half away. I got the rifle.

Bkgnd: Ten four uh, they'll come to get ---- but I don't think he's down in the parking lot I don't -----

58N: Straight ahead right here.

-4-

-9-

Bkgnd: One -----

Tower: Uh. Straight ahead November nine zero five eight November,  
all the way to the end.

58N: Roger.

Bkgnd: Air Command. You know where, the uh -----

58N: Uh, five eight November, uh, think it would be best if we parked  
somewhere close uh, close to the edge out here I don't want to get  
in too close to this building.

Tower: OK, sir, that's what I had planned for ya right straight ahead there  
out onto the end of the taxi strip.

58N: All right.

Bkgnd: ----- There's a parking pad right at the end of it.

Bkgnd: -----

58N: Is the fuel truck here?

Bkgnd: Call ----- uh

Tower: You say is it a fuel truck?

58N: I said is the fuel truck here.

Tower: Affirmative.

Bkgnd: ----- if  
he's supposed to be -----

Bkgnd: -----

Tower: Taxi straight ahead to the end uh, nine zero five eight November,  
all the way to the end.

58N: Roger, five eight November.

Bkgnd: ----- advise ----- take your time

Bkgnd: The other subject male ----

Bkgnd: HELLO!

Bkgnd: ---- a hundred fifty to two hundred pounds. ----  
-----

Bkgnd: OK, that's where you make the right hand turn.

Bkgnd: Ten four.

Bkgnd: ----

Bkgnd: ---- your move ----- aircraft -----  
-----

Bkgnd: -----

58N: Make a left turn here?

Tower: Affirmative or you can park anyway you like on that area.

Tower: A slight left after that blue light -----

Bkgnd: -----

58N: Uh, say again.

Tower: Slight left turn now

58N: OK, we want to turn it around and uh head it back out.

Tower: You wanna park right there eight five November for fueling?

58N: Be fine.

Tower: OK, that's fine right there at the spot right where you're at.

58N: All right, oh five eight November, uh, uh, they are gonna keep this area clear is that correct?

Tower: Uh, that's affirmative.

58N: All right.

58N: Uh, what's the car sit back off to our right?

Tower: Just an airport vehicle as far as I know, sir.

58N: Does he have a radio in it?

Tower: Say again five eight November.

58N: Uh, can you have him move away from over there, maybe you'll have Air Command send someone.

Bkgnd: ----- aircraft ----

SA ☐ Five eight November.

58N: Yes.

SA ☐ Five eight November, this is the FBI speaking, cut your engines.

Bkgnd: ☐ told --- ----

Bkgnd: ----- twenty-one go ahead ----

58N: All right, uh, five eight November, uh, this is the captain speaking, uh, we're gonna cut the engines and we're gonna need some fuel but I request that everyone stay away.

Bkgnd: Jacksonville says, uh, ---- in the area ----

Bkgnd: Uh, ten four -----

SA ☐ Five eight November, Novem... advise when your engines have been cut.

Bkgnd: Did someone ask ---- whether there's been a man instructing the other guy

Bkgnd: Now stay put -----

SA ☐ Five eight November.

58N: Uh, this five eight November uh this gentlemen has about twelve point five pounds of plastic explosive back here and uh, I got no, uh, yen to join 'er right now so I would please appreciate if you'd stay away from this airplane.

b6  
b7C

Bkgnd:

SA ☐ That's a roger five eight November are your engines cut?

b6  
b7C

58N: Negative.

SA ☐ Stand by.

58N: Where's the fuel truck?

Bkgnd: The captain don't ask there's no uh fuel goin' out there this is just a -----

Bkgnd: Out of fuel he -----

Bkgnd: Uh, he says that, uh, he doesn't particularly want uh these explosives.

Tower: Hey -----

Tower: Yes.

Tower: Somebody from the center just called and, uh, I referred him to you.

Tower: Okay, I got it.

Unintelligible background voices  
also present at this time

Tower: Hey -----

Tower: Yeah.

Tower: If he starts taxiing out give me the time that he starts taxiing. Okay we got him over in the, in the pad over there but he don't wanna stay.

Tower: Yeah I know this gentleman up in -----

Tower: Let him, let him handle it.

Tower: ----- I gave him the microphone after I got him over there.

Tower: Yeah, I was listening -----

Bkgnd: Let us know -----  
----- yeah I gotta ----- Oh, you got long  
arms, hold that thing, don't don't they listening - -----

SA ☐ Five eight November.

58N: Five eight November go ahead.

b6  
b7C

SA  This is the FBI. There will be no fuel, repeat, there will be no fuel, there will be no starter if you cut your engines.

Bkgnd: Uh, Tampa and Miami --- --- can't tell when he's going to leave  
----- and he may take off again.

Bkgnd: Okay.

?: Jacksonville approach, five oh two at zero out of sixty-five hundred, return to five thousand.

Tower:



Tower: Yeah.

Tower: Hold everything on the ramp til further advised.

Tower: Okay.

?: Two nine nine seven ----

Bkgnd: Hey operator ----

58N: Uh---uhhh, look, uh, I don't think this fellow's kiddin', I wish you'd get the fuel truck out here.

Bkgnd: Uh, negative ----- because, uh, this guy's still  
interested in there and we don't know yet -----

Bkgnd: Ten four -- we got ----- transmission -----

Bkgnd: Uh, we're on our way -----

Bkgnd: And some other things the pilot's advised that, uh, no fuel trucks  
----- about what to do -----  
----- he says they're listening to us speaking -----  
----- fuel -----

Bkgnd: Tell him there isn't any -----

SA  Five eight November, there will be no fuel, I repeat, there will be no fuel.

Bkgnd: -----

58N: Say, listen, it's five eight November, uh, you're endangering lives by doing this and, uh, we have no other choice, uh, but to go along and, uh, uh, for the sake of some lives we, we re - quest some fuel out here please.

Bkgnd: Nine ta two he's requested, uh, fuel for his aircraft 'cause we're endangering his life.

Bkgnd: -----  
-----  
-----

?: This, uh, out of thirty-five hundred

Bkgnd: -----

SA  Five eight November, uh, what is the status of your passengers?

b6  
b7C

58N: Uh, (unknown transmission) well I don't know, they're OK if that's what ya mean.

Bkgnd: Go ahead.

Bkgnd: Move around a little bit without having -----

Bkgnd: What he'd say?

Bkgnd: You don't see anyone.

Bkgnd: The blue lights as you go out there to

SA  Are they monitoring this conversation?

58N: Yes, they are.

SA  Do we have two, uh, passengers aboard?

Bkgnd: -----

Bkgnd: ----- get out and

Bkgnd: I ----- we think there's, uh, we got  
anymore cars coming?

Bkgnd: I really don't know.

b6  
b7C

SA  Five eight November, what's your present, uh, fuel status on  
that aircraft?

?: ----- is out of -----

58N: ----- we're down about thirty minutes.

Bkgnd: He's got about thirty minutes of fuel aboard that aircraft right  
now -----

Bkgnd: Don't let that aircraft down out here.

Bkgnd: There's been no fuel here, and there's no starter, and, uh, go tell  
him if he wanted fuel -----

SA  Five eight November the decision will be, uh, no fuel for that  
aircraft, no starter, run it out anyway you want it. The passengers  
if you are listening, uh, the only alternative in this aircraft is to  
depart the aircraft, to depart the aircraft.

Bkgnd: -----

Bkgnd: -----  
-----

Bkgnd: -----

Bkgnd: I'm sure they have to -----  
I'm not sure we're gonna ----- really -----

Bkgnd: ----- hold your -----

Bkgnd: ----- the pilot's says ----- just keep an eye on his, uh  
----- just ----- on takeoff.

Bkgnd: Negative, he says the passengers are listening, I've, I've asked him,  
told him again now, no fuel, no starter, ----- the  
passengers were told to depart the aircraft right now he's got thirty  
minutes fuel on board the aircraft right now

- 11 -

- 16 -



Bkgnd: So what he -----, what he wants to do

Bkgnd: ----- be over there

Bkgnd: Yeah-----

Bkgnd: OK, uh, while we're on the ----- this time  
----- Both subjects were armed

Bkgnd: How many subjects have you got?

Bkgnd: I do know we have ----

Bkgnd: And the pilot who's gotta reach the, uh

Bkgnd: Someone getting -----

Bkgnd: -----

Bkgnd: If he's still ----- over the phone, I wish you would tell him to back  
off.

Bkgnd: Three two this is the pilot speaking, uh -----

?: -----

Bkgnd: -----

Bkgnd: -----

Bkgnd: I'll tell the truck.

Bkgnd: -----

?: -----

Bkgnd: -----

Bkgnd: (noise) listening

Bkgnd: Any idea who -----

Bkgnd: -----

Bkgnd: (long unintelligible statement) -----  
-----  
-----

SA ☐ Five eight November:

b6  
b7C

58N: Yeah.

Bkgnd: -----

SA ☐ Someone deplane from your aircraft?

58N: That's affirmative, the copilot.

Bkgnd: That's the copilot.

Bkgnd: -----

Bkgnd: -----

Bkgnd: -----

SA ☐ I'll tell you what's gonna stop it, it's gonna wake up this here airport  
here and, uh, most of the time it's not ----- I don't believe  
it's gonna ----- But this idea of some kind of -----  
-----  
-----

Bkgnd: -----

Bkgnd: Just tryin' to think of the -----

Bkgnd: -----

Bkgnd: (mixed voices) -----

Unknown: ----- Jax tower right here at two eight zero ----- the airport

Bkgnd: -----

Unknown: Jax tower right here at two eighty-one seventy-six two

Unknown: ----- Jax tower right here at two eight zero -----

Bkgnd: -----

b6  
b7C

SA  Five eight November.

58N: Yeah.

SA  Your copilot is in the car and will not return to the aircraft. He will not return to the aircraft.

SA  Five eight November.

Bkgnd: I know there's somebody dead or shot out there. They're tryin' to get the guy out of the airplane right -----

Bkgnd: That's the only way

Bkgnd: -----

Tower:

Bkgnd: (mixed voices) -----

Bkgnd: Yeah -----

Bkgnd: (mixed voices) -----

Time

Channel: Nine hours, thirty-five minutes twenty seconds.  
Nine hours, thirty-five minutes, twenty-five seconds.

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

NR 03 ME PLAIN

DEC 21 1971

7:25 PM NITEL 12-21-71 SDC

TELETYPE

TO DIRECTOR 164-2042

JACKSONVILLE 164-103

FROM MEMPHIS 164-76 2P

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. S. yars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); ET AL.; CAA - HIJACKING;  
ETC. OO JACKSONVILLE.

PURSUANT OF BUREAU INSTRUCTIONS, THE SIXTY EIGHT THROUGH SEVENTY  
IRS AUDIT RECORDS RE SUBJECT GIFFE WERE OBTAINED THROUGH USA'S  
OFFICE AND DISTRICT DIRECTOR, IRS, AT NASHVILLE. RECORDS REGARDING  
SUBJECT GIFFE WERE MADE AVAILABLE INDICATING

Referral/Consult

END PAGE ONE

58 DEC 28 1971

EX-104

REC-62 164-2042-204  
18 DEC 22 1971

b6  
b7C

PAGE TWO

ME 164-76

Referral/Consult

USA CHARLES H. ANDERSON, MDT, NASHVILLE, ADVISED THIS DATE THERE HAVE BEEN NO INDICATIONS TO DATE WHEN USDC JUDGE FRANK GRAY, JR., MDT, WILL RULE ON PENDING MOTIONS REGARDING PERPETUATION OF EVIDENCE BUT WILL PROMPTLY ADVISE OF ANY NEW DEVELOPMENTS.

P. END.

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Bates *Bates*

FROM : R. J. Gallagher *RJG*

SUBJECT: GEORGE M. GIFFE, JR. (DECEASED)  
ET AL  
CRIME ABOARD AIRCRAFT - HIJACKING;  
KIDNAPING; FEDERAL TORT CLAIMS  
ACT

DATE: December 15, 1971

1 - Mr. Rosen  
1 - Mr. Bates  
1 - Mr. Gallagher  
1 -   
1 - Mr. Mohr  
1 - Mr. Callahan  
1 - Mr. Dalbey

*W*  
Tolson ☒  
Felt ☒  
Rosen ☒  
Mohr ☒  
Bishop ☒  
Miller, E.S. ☒  
Callahan ☒  
Casper ☒  
Conrad ☒  
Dalbey ☒  
Cleveland ☒  
Ponder ☒  
Bates ☒  
Tavel ☒  
Walters ☒  
Soyars ☒  
Tele. Room ☒ b6  
Holmes ☒ b7C  
Gandy ☒

*4*

*ph*

This concerns the 10/4/71 hijacking of a small aircraft wherein Giffe and one  participated.  has been charged at Jacksonville, Florida, with a violation of the Federal Kidnaping Statute. A civil suit has been filed in U. S. District Court, Nashville, Tennessee, in connection with this incident.

On 11/1/71 the U. S. District Judge at Jacksonville issued an order prohibiting all Government Agents and employees from making any statement regarding the events in connection with this hijacking case. Subsequently, a hearing was held on 11/11/71 in U. S. District Court, Nashville, and the court stated that it would allow the FBI Agents to be deposed.

By letter dated 12/10/71, the Department provided us with copies of interrogatories filed by plaintiffs' attorneys requesting responses from certain personnel of our Jacksonville and Memphis Offices in connection with the civil suit. The requested responses were obtained and furnished the Department 12/14/71. This morning representatives of the General Investigative Division and Office of Legal Counsel met with  (Office of the Assistant Attorney General, Civil Division) and Assistant U. S. Attorney  who is handling the criminal case at Jacksonville. It was agreed that the Government would resist furnishing the answers to the interrogatories to the court at Nashville due to the court order at Jacksonville. Should the Nashville court rule against the Government, an appeal would be filed.

JFH:bkc  
(9)

REC-10

EX-104

164-2042-2853  
CONTINUED - OVER

57 DEC 30 1971

Gallagher to Bates Memorandum  
RE: GEORGE M. GIFFE, JR.

In order to circumvent plaintiffs' attorneys' argument that the answers must be preserved by the court, [ ] has requested that certain Agents at Jacksonville and Memphis sign affidavits indicating that the responses they provided are true and correct and have been made a part of the permanent Bureau file. Further, case Agent at Jacksonville would include in the affidavit that the Federal Aviation Administration answers have been made a part of the permanent Bureau file.

b6  
b7C

ACTION:

In an effort to prevent disclosure of our case in the civil suit prior to the full resolution of the criminal case, we have instructed our Memphis and Jacksonville Offices to sign the requested affidavits.

AD  
H  
R  
RTG  
CUB  
BC  
AD  
J  
✓  
WBS

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR 05 ME PLAIN

NITEL 12-21-71 SDC

TO DIRECTOR 164-2042

JACKSONVILLE 164-103

FROM MEMPHIS 164-76

GEORGE MALLORY GIFFE, JR., AKA (DECEASED), ET AL; CAA - HIJACKING,  
INTIMIDATION OF CREW MEMBERS; CARRYING CONCEALED WEAPON; KIDNAPING:

FTCA (OO JACKSONVILLE).

RE MEMPHIS NITEL TO BUREAU AND JACKSONVILLE INSTANT DATE.

THIS DATE USA CHARLES H. ANDERSON, JR., MIDDLE DISTRICT OF  
TENNESSEE, NASHVILLE, ADVISED REPRESENTATIVE OF FBI THAT HE RECEIVED  
TELEPHONE CALL DECEMBER TWENTY, LAST FROM NASHVILLE, TENNESSEE,  
ATTORNEY [REDACTED] WHO REPRESENTS BIG BROTHERS AIRCRAFT.

[REDACTED] TOLD ANDERSON THE AFFIDAVIT PREPARED BY USA BRIGGS IN  
JACKSONVILLE, CONTAINED IN GOVERNMENT'S RESPONSE FILED USDC, MIDDLE  
DISTRICT OF TENNESSEE, NASHVILLE, DECEMBER SEVENTEEN, LAST, WAS  
INCOMPLETE. [REDACTED] DESIRED THAT USA BRIGGS FILE A COMPLETE

END PAGE ONE

58 DEC 28 1971

cc: [REDACTED]

EX-104

REC-62

164-2042-286  
18 DEC 22 1971



PAGE TWO

ME 164-76

AFFIDAVIT AND IF BRIGGS DID NOT, HE WAS CONSIDERING FILING AN AFFIDAVIT OF HIS OWN. [ ] DID NOT ELABORATE ON WAY AFFIDAVIT WAS INCOMPLETE.

[ ] ALSO INQUIRED OF ANDERSON IF THE GOVERNMENT WAS CONSIDERING NEGOTIATIONS IN CIVIL ASPECTS OF THIS CASE. ANDERSON TOLD [ ] HE WOULD HAVE TO DISCUSS THESE MATTERS WITH USA BRIGGS IN JACKSONVILLE.

b6  
b7C

THIS INFORMATION BEING SUPPLIED JACKSONVILLE DIVISION TO COMMUNICATE TO USA BRIGGS IN EVENT USA ANDERSON HAS NOT CONTACTED HIM REGARDING THIS MATTER.

USDC JUDGE FRANK GRAY, JR., MIDDLE DISTRICT OF TENNESSEE, NASHVILLE, HAS NOT YET RULED ON MOTION TO PERPETRATE EVIDENCE FILED BY ATTORNEY [ ] IN THIS CASE.

BUREAU WILL BE PROMPTLY ADVISED OF ANY PERTINENT DEVELOPMENTS.

P. END.

PLS HOLD FOR ONE MORE TDL

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

NR007 ME PLAIN

7:15 PM NITEL 12-17-71 DMB

TO DIRECTOR (164-2042)

JACKSONVILLE (164-103)

FROM MEMPHIS (164-76)

DEC 17 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Cleveland	_____
Mr. [unclear]	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Also Known As

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); ET AL.

Crime Aboard Aircraft

GAA - HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED

Federal Tort Claims Act

WEAPON; KIDNAPING; FTCA. OO: JACKSONVILLE.

Office of Origin:

Reference Teletype

December

RE MEMPHIS TEL TO BUREAU AND JACKSONVILLE DECE. SIXTEEN,

LAST.

Tennessee,

FBI AGENT AT NASHVILLE, TENN., OBTAINED AFFIDAVITS

PREPARED BY [REDACTED] DEPARTMENTAL ATTORNEY, AND FBI

AGENTS AT JACKSONVILLE FORWARDED TO NASHVILLE BY AIR CARRIERS

U.S. Attorney

AND WERE DELIVERED TO USA, CHARLES ANDERSON, MIDDLE DISTRICT

OF TENN., NASHVILLE. THE RESPONSE AND AFFIDAVITS WERE

ASSEMBLED COMLETING THE "FURTHER OPPOSITION OF THE UNITED

STATES TO PETITIONERS PETION TO PERPETUATE EVIDENCE." THIS

U.S. District Court

Middle District of Tennessee,

RESPONSE WAS FILED WITH USDC CLERK'S OFFICE, MDT, NASHVILLE,

P.M., THIS DATE.

EX-104

REC-18/64-2042-28017

THIS RESPONSE IN SUMMARY IS AS FOLLOWS:

(ONE) RE-URGES UPON COURT ORIGINAL POSITION THAT THERE

DELAY IN TIME BEFORE SUIT CAN BE BROUGHT, ALONE, IS

INSUFFICIENT SHOWING OF REASON TO PERPETUATE TESTIMONY AS

REQUIRED BY RULE TWENTYSEVEN (A) (ONE) THREE IF THAT SUB-SECTION

END PAGE ONE

60 DEC 30 1971

ME 164-76

PAGE TWO

IS NOT MERELY TO BE HELD A MEANINGLESS RE STATEMENT OF THE PROVISIONS OF RULE TWENTYSEVEN (A) (ONE) ONE.

(TWO) THE PERSONS TO WHOM INTERROGATORIES ARE ADDRESSED CANNOT COMMUNICATE THEIR ANSWERS TO OTHER THAN GOVERNMENT COUNSEL AND GOVERNMENT COUNSEL IS PRECLUDED FROM FILING ANY ANSWERS TO INTERROGATORIES WHICH ARE COMMUNICATED TO HIM WHICH IS SET FORTH IN COURT ORDER OF <sup>USDC</sup> ~~USC~~ JUDGE TJOFLAT.

(THREE) THE UNITED STATES IS GREVIOUSLY CONCERNED WITH PRE-TRIAL PUBLICITY AND EFFECT PUBLICITY WOULD HAVE ON CRIMINAL CASE IN JACKSONVILLE.

(FOUR) IF COURT GRANTS REMAINING PORTION OF PETITION AND ORDERS INTERROGATORIES ANSWERED, ITS ORDER WILL BE IN DIRECTO AND CLEAR CONFLICT WITH JUDGE TJOFLAT'S ORDER ENTERED IN CRIMINAL CASE.

(FIVE) IF COURT DOES ORDER INTERROGATORIES ANSWERED, ITS ORDER WOULD BE A "FINAL" ONE FOR PURPOSES OF APPEAL UNDER U.S. Code TWENTYEIGHT, ~~USC~~, TWELVE NINE ONE.

(SIX) THE RESPONSE SUGGESTS THE FOLLOWING ACTION AS A MIDDLE GROUND IN THAT THE UNITED STATES HAS INSURED ANSWERS  
END PAGE TWO

ME 164-76

PAGE THREE

OF EMPLOYEES ARE NOW A MATTER OF TANGIBLE EVIDENCE IN ITS FILE AS SUBSTANTIATED BY AFFIDAVITS. THE RESPONSE SUGGESTS THE COURT NOW HOLD THE ANSWERS TO BE TANGIBLE EVIDENCE WHICH WOULD BE CONSISTENT WITH COURT'S EARLIER DENIAL OF ACCESS TO TANGIBLE EVIDENCE BY PETITIONERS. THIS ALTERNATIVE WILL ACCORD THE CRIMINAL CASE ITS DUE PRIORITY, AVOID THE POSSIBILITY OF SUBJECTING GOVERNMENT EMPLOYEES TO CONTEMPT PROCEEDINGS AND ADEQUATELY AMELIORATE THE DELICATE POSITION WHICH THE PETITION PLACES THE COURT IN.

THE RESPONSE CONCLUDES THAT PORTION OF APPLICATION TO PERPETUATE EVIDENCE NOW BEFORE THE COURT SHOULD BE DENIED.

USA ANDERSON ADVISED THIS DATE THERE WILL BE NO ARGUMENTS OR HEARINGS THIS DATE AND HE WOULD EXPECT THAT USDC JUDGE FRANK GRAY, JR., WOULD RENDER A DECISION SOMETIME NEXT WEEK. ANDERSON HAS HAD NO RECENT CONVERSATIONS WITH JUDGE GRAY AND COULD NOT SPECULATE ON ANY FINAL DECISION RENDERED BY JUDGE GRAY.

CLOSE CONTACT WILL BE MAINTAINED WITH USA ANDERSON AND USDC CLERK'S OFFICE AND PERTINENT INFORMATION WILL BE IMMEDIATELY DISSEMINATED TO BUREAU AND JACKSONVILLE. COPIES  
END PAGE THREE

ME 164-76

PAGE FOUR

OF RESPONSE WILL BE FORWARDED TO BUREAU AND JACKSONVILLE  
AS SOON AS POSSIBLE. P. END.

KPT FBI WASH

CLR

4a (Rev. 1-19-67)

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

DATE: 10/15/71

Re: GEORGE MALLERY GIFFE, JR. (DECEASED)

TO: SAC, Jacksonville (164-103)

MRS. GEORGE M. GIFFE, JR., aka -  
VICTIM (DECEASED)  
CAA-HEJACKING; KIDNAPING  
OO: JK

b6  
b7C

Invoice of Contents

Q1-Q19

K1-K2

ALSO SUBMITTED

AIR EXPRESS

*Collect*

*Sent  
12-28-71  
JMC*

*Retd 12/28/71  
BDB*

- ☐ Crypt.-Trans.
- ☐ Document
- ☒ P & C
- ☐ Radio Engineering
- ☐ LFPS

Special Instructions:

Mail Room: Show shipment date and registry number.  
Shipping Room: Show shipment date; bill of lading number;  
initial invoice; return to Section checked in block; after  
initialing in block, invoice to be placed in administrative file.

FBI File No.

*164-2043*

10/15/71

*CT 2042*

PC-H2036 MT MU LK

*9252*  
DEC 29 1971

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 27 1971

TELETYPE

NR 006 ME PLAIN

8:13 PM NITEL 12-27-71 DMB

TO DIRECTOR (164-2042)

JACKSONVILLE (164-103)

FROM MEMPHIS (164-76)

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____ b6
Miss Holmes	_____ b7C
Miss Gandy	_____

7  
GEORGE MALLORY GIFFE, JR., AKA (DECEASED); ET AL;  
CAA - HIJACKING; INTIMIDATION OF CREW MEMBERS; CARRYING  
A CONCEALED WEAPON; KIDNAPPING; FTCA. OO: JACKSONVILLE.

RE MEMPHIS NITEL TO BUREAU AND JACKSONVILLE,  
DECEMBER TWENTYTWO, LAST.

USA CHARLES H. ANDERSON, MDT, NASHVILLE, TENN.,  
ADVISED THIS DATE THAT NO DEFINITE TIME HAS BEEN  
SET FOR THE FILING OF ANSWERS TO PROPOSED INTERROGATORIES  
BY PLAINTIFFS IN USDC, MDT, NASHVILLE, PURSUANT <sup>OF</sup> ORDER  
OF USDCJ FRANK GRAY, JR., DECEMBER TWENTYTWO. LAST. 164-2042-288  
ANDERSON BELIEVED THAT A WEEK OR TWO WOULD BE AMPLE TIME  
TO FILE THERE ANSWERS.

REC-36 DEC 28 1971

ANDERSON ADVISED HE DOES ~~NOT~~ KNOW AT THIS TIME THE  
GOVERNMENT'S POSITION REGARDING COURT ORDER AND EXPECTS TO  
CONFER WITH [REDACTED] DEPARTMENTAL ATTORNEY, WASHINGTON,  
D.C., PROMPTLY TO DETERMINE IF THE GOVERNMENT WILL  
END PAGE ONE

54 JAN 5 1972

ME 164-76

PAGE TWO

APPEAL JUDGE GRAY'S ORDER. ANDERSON STATED IF ANSWERS ARE  
FILED WITH THE COURT, HE EXPECTS  WILL CONTACT HIM  
FOR DETAILS OF FILING THESE ANSWERS.

b6  
b7C

ANDERSON STATED WHEN DETERMINATION IS MADE AS TO  
GOVERNMENT'S POSITION REGARDING THE ORDER HE WOULD  
PROMPTLY NOTIFY THE FBI, NASHVILLE. BUREAU WILL BE  
PROMPTLY ADVISED OF ANY NEW DEVELOPMENTS REGARDING CIVIL  
ACTIONS THIS CASE. P. END.

GXC FBI WASHDC ACK FOR 003 006



1 - Mr. Griffith  
1 - Mr. Blackburn

PLAINTEXT

TELETYPE

NITEL

12/28/71

TO: SAC, JACKSONVILLE (164-103)

FROM: DIRECTOR, FBI (164-2042)

GEORGE MALLERY GIFFE, JR., AKA (DECEASED);

b6  
b7c

MRS. GEORGE M. GIFFE, JR. - VICTIM (DECEASED)

CAA - HIJACKING; INTIMIDATION OF CREW MEMBERS, CARRYING A  
CONCEALED WEAPON; KIDNAPING.

REFERENCE: LAB REPORT DATED OCTOBER FIFTEEN LAST.

ALL EVIDENCE LISTED IN REFERENCED REPORT BEING SENT  
AIR EXPRESS THIS DATE. INCLUDED IS Q THREE TISSUE FROM HEAD  
WHICH IS FROZEN AND SHOULD BE GIVEN APPROPRIATE ATTENTION  
WHEN RECEIVED IN JACKSONVILLE OFFICE.

BDB:kmk (4)

EX-117

REC-30/164-2042-290

DEC 29 1971

Tolson \_\_\_\_\_  
Felt \_\_\_\_\_  
Rosen \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Miller, E.S. \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
Dalbey \_\_\_\_\_  
Cleveland \_\_\_\_\_  
Ponder \_\_\_\_\_  
Bates \_\_\_\_\_  
Tavel \_\_\_\_\_  
Walters \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 28 1971

TELETYPE

55 JAN 5 1972

MAIL ROOM ☐ TELETYPE UNIT ☐

FBI

Date: 10-20-71

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via W AIRTEL AIRMAIL  
(Priority)

TO: DIRECTOR, FBI  
(ATTENTION: FBI LABORATORY)

TO FROM: SAC, JACKSONVILLE (164-103) -(P)

SUBJECT: GEORGE MALLORY GIFFE JR., aka (Deceased);  
[REDACTED]  
Mrs. GEORGE M. GIFFE, JR. - VICTIM (Deceased)  
CAA - HIJACKING; INTIMIDATION OF CREW  
MEMBERS, CARRYING A CONCEALED WEAPON;  
KIDNAPING  
(OO: JACKSONVILLE)

Re FBI Laboratory Report dated October 15, 1971.

Enclosed for the Laboratory are the following items:

(1) Box containing spent projectiles recovered from the right tire of Hawk Commander aircraft N9058N, fired from .38 caliber weapon of SA [REDACTED]

(2) Boxes containing spent projectiles recovered from the left tire of Hawk Commander aircraft N9058N, fired from .38 caliber weapon of ASAC [REDACTED]

- ② - Bureau (Enc. 3) ENRM  
1 - Memphis (164-76) (Info.)  
2 - Jacksonville  
FAB-cgc  
(5)

5 OCT 22 1971

EX-102

Approved: W. M. [Signature]  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

The FBI Laboratory is requested to make a compositional analysis between the enclosed spent projectiles fired by Bureau personnel and the specimens already submitted.

It is to be further noted that the spent projectiles fired into the right engine of the above aircraft were not recovered and are presumed to have been destroyed within the engine. These projectiles, two in number, were Remington 308 Gamemaster, from Bureau weapon SN6943146, fired by SA [REDACTED]

b6  
b7C

December 28, 1971  
GENERAL INVESTIGATIVE DIVISION

This concerns the 10/4/71, hijacking of a chartered aircraft from Nashville, Tennessee, to Jacksonville, Florida, wherein subject Giffe shot and killed his wife, the pilot, and then committed suicide. Criminal charges have been filed against Giffe's accomplice [redacted] [redacted] at Jacksonville, Florida.

b6  
b7C

A civil suit has been filed in U. S. District Court, Nashville, arising out of this incident.

Attached sets forth order of the Chief Judge at Jacksonville, Florida, setting trial in the criminal case for the week of 1/17/72. U. S. Attorney there feels trial in reality will not commence until early March, 1972. In addition, attorneys for [redacted] filed "Motion for Rehearing of Motion for Transfer" in Jacksonville requesting court to reconsider the petition to have criminal case transferred from Jacksonville to the U. S. District Court in Nashville, where the civil suit has been filed. Contemplated action by the judge at Jacksonville is unknown at this time; however, should he hear the petition it would be during the week of 1/2/72. He previously denied efforts by attorneys for [redacted] to have criminal case transferred to Nashville.

JFH/jak

291

curb  
RC  
HAS  
GAM  
RC

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 27 1971

Mr. Tolson	
Mr. Felt	
Mr. Rosen	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Miller, ES	
Mr. Callahan	
Mr. Casper	
Mr. Conrad	✓
Mr. Dalbey	✓
Mr. Cleveland	
Mr. Ponder	✓
Mr. Bates	✓
Mr. Tavel	✓
Mr. Walters	✓
Mr. Soyars	✓
Tele. Room	
Miss Holmes	
Miss Gandy	

NR 004 JK PLAIN

5:18 PM NITEL 12-27-71 CRETELETYPE

TO DIRECTOR (164-2042)

MEMPHIS (164-76)

FROM JACKSONVILLE (164-103) (P)

Crime Aboard Aircraft

Also Known As  
GEORGE MALLORY GIFFE, JR., AKA (DECEASED); ET AL; CAA-HIJACKING,

INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED WEAPON; KIDNAPING;  
Federal Tort Claims Act

FTCA. 00:JK.

Office of Origin: Jacksonville.

ON DECEMBER TWENTY-ONE LAST, U.S. District Judge  
Middle District of Florida, Florida, USDJ WILLIAM A. MCRAE, JR., CHIEF  
JUDGE, MDF, JACKSONVILLE, FLA., ENTERED AN ORDER IN CRIMINAL MATTER  
Versus  
UNITED STATES OF AMERICA V. ORDERING THAT TRIAL  
IN THIS CASE WOULD BE SET FOR THE WEEK COMMENCING MONDAY, JANUARY  
SEVENTEEN NEXT AT NINE THIRTY AM, BEFORE HIM AT JACKSONVILLE, FLA.

CONTACT WITH USA BRIGGS, JACKSONVILLE, THIS DATE INDICATES THAT  
ALTHOUGH JUDGE MCRAE HAS SET THE DATE INDICATED IN THE ABOVE  
ORDER, HE BELIEVES THAT DUE TO THE PRIOR COMMITMENTS OF  
ATTORNEYS, THIS MATTER WOULD BE POSTPONED UNTIL  
APPROXIMATELY EARLY MARCH, SEVENTY-TWO. U.S. Attorney  
OFFICE FEELS THAT THEY ARE IN A GOOD POSITION TO HANDLE THE TRIAL  
OF THIS MATTER AT ANY TIME IN THE NEAR FUTURE.

ON DECEMBER TWENTY-THREE LAST, ATTORNEYS FOR  
FILED "MOTION FOR REHEARING OF MOTION FOR TRANSFER" BEFORE CLERK, USDC,  
JACKSONVILLE.

END PAGE ONE

22 DEC 29 1971

U. S. DISTRICT COURT

PAGE TWO

JK 164-103

IN SUPPORT OF THE ABOVE MOTION FOR REHEARING, DEFENDANT'S ATTORNEYS STATE THAT DEFENDANT HAD OFFERED PROOF THAT AT LEAST NINETEEN FACT WITNESSES AND FIFTEEN CHARACTER WITNESSES WOULD BE SUMMONED ON BEHALF OF DEFENDANT FROM THAT NASHVILLE AREA. DEFENDANT'S ATTORNEYS DOUBTED SERIOUSLY THAT TWENTY-FOUR BUAGENTS FROM JACKSONVILLE WOULD APPEAR FOR TRIAL AND INDICATED THAT TESTIMONY AT ORIGINAL HEARING FOR CHANGE OF VENUE INDICATED ONLY FIVE WITNESSES INVOLVED IN DEFENSE AT JACKSONVILLE AIRPORT OCTOBER FOUR LAST.

MOTION FURTHER ALLEGES THAT COURT WAS IN ERROR IN RULING THAT COST OF TRANSPORTING WITNESSES WOULD BE SUBSTANTIALLY DECREASED IF CASE TRIED IN JACKSONVILLE.

MOTION FURTHER STATED THAT DEFENDANT'S ATTORNEYS BELIEVED THAT THE CRIME SCENE AREA AT THE NASHVILLE AIRPORT WAS OF SUCH IMPORTANCE THAT JURY WOULD BE REQUESTED TO VIEW THE AREA WHERE THE AIRCRAFT WAS BOARDED WITH LIGHTING CONDITIONS THE SAME AS ON THE MORNING OF OCTOBER FOUR LAST.

MOTION FURTHER CONTENDED THAT WITNESSES FROM NASHVILLE BEING PRIVATE CITIZENS WOULD HAVE CONSIDERABLE DISRUPTION IN THEIR HOME LIFE AND JOBS INVOLVING THEIR TRAVEL TO JACKSONVILLE, FLA., AND THAT THE TRANSPORTATION OF WITNESSES, ALL BUAGENTS OR GOVERNMENT EMPLOYEES, TO NASHVILLE WOULD SIMPLY BE PART OF THEIR ONGOING JOBS.

END PAGE TWO

PAGE THREE

JK 164-103

MOTION CONTINUED THAT ALLEGED "VOLUMINOUS RECORDS" COULD BE TRANSPORTED IN AN AUTOMOBILE FROM JACKSONVILLE TO NASHVILLE WITH LITTLE COST TO ANYONE.

THE CONTENTION AS TO THE STATUS OF THE RESPECTIVE COURT CALENDARS APPEARED TO BE OF LITTLE IMPORTANCE IN THIS CASE IN THAT THE DEFENDANT'S ATTORNEYS CANNOT GO TO TRIAL IN JANUARY OR FEBRUARY, SEVENTY-TWO, IN ANY EVENT.

DEFENDANT'S  
~~DEFENDANT'S~~ ATTORNEYS FURTHER STATED THAT CASE IS NOT DIFFICULT OR COMPLEX AND USA'S OFFICE AT NASHVILLE WOULD HAVE NO DIFFICULTY IN FAMILIARIZATION AND PRESENTATION OF CASE AT TRIAL.

DEFENDANT'S ATTORNEYS STATE THAT IN CONSIDERATION OF INTEREST OF JUSTICE REQUIREMENTS UNDER RULE TWENTY-ONE (B) WHERE ACCUSED IS CHARGED WITH CAPITAL OFFENSE THEY CAN BE TRIED IN EITHER OF TWO JURISDICTIONS, THEY URGE THAT THE INTEREST OF JUSTICE SUGGESTS TRIAL BE IN COMMUNITY WHERE ALLEGED OFFENSE ORIGINATED AND WHERE ACCUSED RESIDES RATHER THAN IN COMMUNITY WHERE ACCUSED HAS NO CONNECTION AND WHICH COMMUNITY ONLY INVOLVED BY HAPPENSTANCE.

ABOVE MOTION DISCUSSED WITH USA'S OFFICE, JACKSONVILLE, THIS DATE AND THEY ARE REQUESTING COPY OF TRANSCRIPT OF TESTIMONY FROM  
END PAGE THREE

PAGE FOUR

JK 164-103

ORIGINAL HEARING FOR CHANGE OF VENUE TO ENABLE ACCURATE PREPARATION OF AUGUMENTS IN OPPOSITION TO ABOVE MOTION FOR REHEARING.

CONTACT WITH JUDGE TJOFLAT'S OFFICE THIS DATE INDICATED JUDGE HAS NOT READ ABOVE MOTION FOR REHEARING AS YET, HAS EXPRESSED NO INDICATION AS TO WHETHER HE WOULD GRANT REHEARING AT ALL AND THAT EARLIEST TIME SUCH REHEARING COULD BE RESCHEDULED WOULD BE DURING WEEK OF JANUARY TWO NEXT.

JACKSONVILLE WILL ADVISE BUREAU AND MEMPHIS OF ALL FURTHER PERTINENT ACTIONS IN THIS MATTER.

END



F B I

Date: 12/27/71

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL AIR MAIL  
(Priority)

TO: DIRECTOR, FBI (164-2042)  
FROM: SAC, MEMPHIS (164-76) (P)  
SUBJECT: GEORGE MALLORY GIFFE, JR., aka (DECEASED)  
ET AL  
CAA - HIJACKING; ETC.

(00: Jacksonville)

Re Memphis nitel 12/22/71.

Attached for each Bureau and Jacksonville is the  
court order of Judge FRANK GRAY, JR., Middle District of  
Tennessee, Nashville, described in referenced nitel.

- 12  
② - Bureau (Enc. 1)  
2 - Jacksonville (Enc. 1) (164-103)  
2 - Memphis

WDM:cjs  
(6)

REC-51

EX-117

22 DEC 29 1971  
ENCLOSURE ATTACHED

Approved: \_\_\_\_\_

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

Special Agent in Charge

57 JAN 6

TO: DIRECTOR, FBI (164-2042)

FROM: SAC, MEMPHIS (164-76)

1 Xerox copy of court order

Ref: Memphis airtel to Bureau,  
12/27/71



164-2042-292

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RECEIVED FOR ENTRY  
2:50 P.M.

DEC 22 1971

BRANDON LEWIS, Clerk

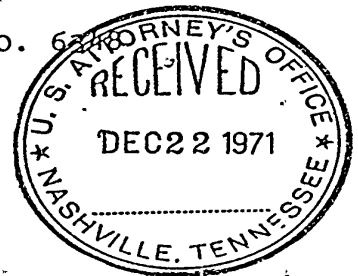
*Brandon Lewis*

MRS. BRENT QUINTON DOWNS, ET AL. ]

VS. ]

UNITED STATES OF AMERICA ]

CIVIL NO. 62-480



O R D E R

This involves a petition to perpetuate testimony under Rule 27, Federal Rules of Civil Procedure, as more fully described in an order of this court entered in this cause on November 11, 1971.

In the aforesaid order, it was noted that petitioners originally sought to gain access to certain items of tangible evidence, as well as to perpetuate the testimony of various individuals. However, petitioners' motion was denied, insofar as it sought access to the items of tangible evidence, upon the basis of a satisfactory showing on the part of the United States that such items would be preserved, unaltered, until such time (if ever) as petitioners would be entitled to examine them.

With respect to the individual testimony which petitioners sought to perpetuate, the court stated its opinion, in the aforesaid order, that at least certain items of the testimony sought could properly be perpetuated upon the circumstances of this case. The court noted, however,

164-2042 - 292

that, because of the general and sweeping manner in which petitioners described the testimony sought, the petition could not be acted upon absent a more specific showing of the substance of what petitioners intended to elicit. It was thus ordered that petitioners file with this court a more detailed summary of the questions they intended to ask the individuals whose testimony was sought to be perpetuated. The court also stated its opinion that the simplest and clearest fashion in which to present such a summary to the court would be to couch it in the form of interrogatories of such type as might be answered by the individuals in question.

The proposed questions were posed in the form suggested by the court and were made of record in the proceeding on November 24, 1971. Before passing on the matter of whether or not the questions, as posed, were proper ones to ask of the individuals in question, this court was informally apprised by the United States Attorney for the Middle District of Tennessee that the United States wished to respond to the petitioners' November 24th document. Accordingly, no action was taken upon such document until the Government's response thereto was forthcoming.

The aforesaid response was filed December 17, 1971. It consists of three parts. First, the Government reiterates its contention--already considered and rejected by this court--that the circumstances of this case do not warrant the perpetuation of testimony under Rule 27. Second, the Government discusses an order entered by the United States District Court for the Middle District of Florida in the criminal case of *United States v. Wallace* (No. 71-212-Cr-J). This order, on its face, appears to prohibit the individuals whose testimony is sought in this proceeding from making any statements in any

manner pertaining to the subject matter involved herein to anyone other than Government personnel.<sup>1/</sup> Third, the United States offers what it terms an "alternative suggestion."

The substance of the "alternative suggestion" is as follows. The Government's brief of December 17th asserts--such assertion being supported by affidavits attached to the brief--that the individuals whose testimony petitioners seek to perpetuate have answered in detail and in writing such of petitioners' proposed interrogatories as apply to each of them; that such written answers are currently in official F. B. I. files; and that these answers will be preserved and hence "available when suit can be filed in this matter." Thus, the United States contends, the answers to petitioners' proposed interrogatories have become "tangible evidence," on the same plane as the items of tangible evidence which the Government originally agreed to preserve and as to which the petition was accordingly dismissed by this court's order of November 11. According to the Government, there is therefore "no policy reason to be served under Rule 27 by allowing petitioners access to the answers at this time."

This court is in basic agreement with this last statement. Rule 27 does not provide a discovery procedure for prospective litigants and, in the court's opinion, such persons should not attempt to utilize it as such. The purpose

---


<sup>1/</sup> Obviously, this court would never order anyone to violate the valid order of any court in any jurisdiction. However, the statement of the Government that this order places this court in a "delicate" position is rejected. The legal questions before this court are substantially discrete from those involved in the Florida criminal case.

of the rule, as pointed out in this court's order of November 11, is to provide a mechanism by which testimony can be preserved in those situations where it might otherwise disappear with the passage of time. And, if the testimony herein in question can be thus preserved, the purpose of the rule will be fully served without permitting petitioners to gain access to the substance of the testimony at this time. However, unlike the items of tangible evidence considered in this court's order of November 11, answers to questions may vary; they may be forthright or evasive, specific or general, or may indicate a misunderstanding of the question, and still qualify as "answers."

Accordingly, it is ORDERED as follows: (1) the written answers to petitioners' proposed interrogatories which are discussed in part III of the United States' December 17th brief, as well as the matters referred to in footnotes 3 and 4 thereof, will be submitted to this court, under seal, for in camera inspection; (2) if the court is not satisfied that said answers are complete and responsive, they will be returned, under seal, to the United States Attorney for the Middle District of Tennessee, and additional consideration will be given to the petition herein at issue; (3) if the court is satisfied (as it must now assume it will be) that said answers are given in good faith, they will be resealed and lodged, under seal, with the clerk of this court until such time as the petitioners are properly entitled to gain access to them.

The question of when such time may arrive will be answered with an eye to all the circumstances of this case, including especially the pendency of the Florida criminal proceedings referred to above. In this context, it must also be pointed out that, before petitioners are allowed to inspect the written answers to their proposed interrogatories, the

question of whether they are entitled to all the items of information contained therein, under the pertinent rules of evidence and privilege, will have to be determined.

  
UNITED STATES DISTRICT JUDGE

December 23, 1971  
GENERAL INVESTIGATIVE DIVISION

b6  
b7C

This concerns 10-4-0, hijacking of small aircraft wherein Giffe and one                      participated. Giffe is deceased and                      has been charged at Jacksonville, Florida, with violation of Federal Kidnaping Statute. A civil suit has been filed in U. S. District Court (USDC), Nashville, Tennessee, in connection with this incident. In this civil suit the plaintiffs' attorney has requested responses from Government personnel, including FBI Agents, which were prepared and filed by U. S. Attorney's (USA's) office 12-17-71, in Middle District of Tennessee.

Attached reports action taken by USDC Judge Gray, Middle District of Tennessee, 12-22-71, ordering in camera inspection of the Government's response; and should they not be complete they will be returned to USA for redoing, and should they be complete, they will be resealed and filed with the clerk of the court until such time petitioners are entitled to access to them. Judge Gray ruled that the question of the time the petitioners are entitled to the information will be answered with an eye to all the circumstances of the case, including especially the pendency of the Florida criminal proceedings.

No trial date has been set in criminal proceedings in Florida.

DTP:jyl

DTP

js

~~✓~~  
~~12/23/71~~  
~~1~~

R

RJG  
CWB  
~~ms~~  
DJD  
gmm

293



NR006 ME PLAIN

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

8:40 PM NITEL 12-22-71 DMB DEC 22 1971

TO DIRECTOR (164-2042)

TELETYPE

JACKSONVILLE (164-103)

FROM MEMPHIS (164-76)

Mr. Tolson \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Rosen ☒ \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Miller, ES \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Dalbey \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Ponder \_\_\_\_\_  
Mr. Bates \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

Also Known As AND OTHERS  
GEORGE MALLORY GIFFE, JR., AKA (DECEASED); IT AL; GAA -  
HIJACKING; ETC. OO: JACKSONVILLE.

CRIME ABOARD AIRCRAFT

OFFICE OF ORIGIN

United States Attorney

ON INSTANT DATE, USA CHARLES ANDERSON, NASHVILLE, TENN.,

MADE AVAILABLE ORDER SUBMITTED BY JUDGE FRANK GRAY, JR., MDT,  
NASHVILLE, WHICH ORDER IS AS FOLLOWS: Middle District of Tennessee

"ACCORDINGLY, IT IS ORDERED AS FOLLOWS:

"(ONE) THE WRITTEN ANSWERS TO PETITIONERS' PROPOSED  
INTERROGATORIES, WHICH ARE DISCUSSED IN PART THREE OF THE  
UNITED STATES DEC. SEVENTEEN BRIEF, AS WELL AS THE MATTERS  
REFERRED TO IN FOOTNOTES THREE AND FOUR THEREOF, WILL BE  
SUBMITTED TO THIS COURT, UNDER SEAL, FOR IN CAMERA INSPECTION;

"(TWO) IF THE COURT IS NOT SATISFIED THAT SAID ANSWERS  
ARE COMPLETE AND RESPONSIVE, THEY WILL BE RETURNED, UNDER  
SEAL, TO THE USA FOR THE MIDDLE DISTRICT OF TENNESSEE AND  
ADDITIONAL CONSIDERATION WILL BE GIVEN TO THE PETITION HEREIN  
AT ISSUE;

"(THREE) IF THE COURT IS SATISFIED (AS IT MUST NOW ASSUME)  
IT WILL BE THAT SAID ANSWERS ARE GIVEN IN GOOD FAITH, THEY WILL  
BE RE-SEALED AND LODGED, UNDER SEAL, WITH THE CLERK OF THIS

END PAGE ONE

b6  
b7c

EX-101

REC-21

DEC 22 1971

164-2042-293  
12 DEC 30 1971

DEC 20 1971

DEC 29 15 33 PM 1971

ME 164-76

PAGE TWO

COURT UNTIL SUCH TIME AS PETITIONERS ARE PROPERLY ENTITLED TO GAIN ACCESS TO THEM.

"THE QUESTION OF WHEN SUCH TIME MAY ARRIVE WILL BE ANSWERED WITH AN EYE TO ALL THE CIRCUMSTANCES OF THIS CASE, INCLUDING ESPECIALLY PENDENCY OF THE FLORIDA CRIMINAL PROCEEDINGS REFERRED TO ABOVE. IN THIS CONTEXT, IT MUST ALSO BE POINTED OUT, THAT BEFORE PETITIONERS ARE ALLOWED TO INSPECT THE WRITTEN ANSWERS TO THEIR PROPOSED INTERROGATORIES, THE QUESTION OF WHETHER THEY ARE ENTITLED TO ALL THE ITEMS OF INFORMATION CONTAINED THEREIN, UNDER THE PERTINENT RULES OF EVIDENCE AND PRIVILEGE, WILL HAVE TO BE DETERMINED."

X COMPLETE COPIES OF JUDGE GRAY'S ORDER WILL BE SENT BY COVER AIRTEL TO BUREAU AND JACKSONVILLE. P.  
END.

PLS HOLD FOR ONE MORE TEL

December 30, 1971

GENERAL INVESTIGATIVE DIVISION

This concerns the 10-4-71, hijacking of a chartered aircraft from Nashville, Tennessee, to Jacksonville, Florida, wherein subject Giffe shot and killed his wife, the pilot, and then committed suicide. Criminal charges have been filed against Giffe's accomplice [redacted]

b6  
b7C

[redacted] at Jacksonville, Florida. A civil suit has been filed in U.S. District Court, Nashville, arising out of this incident.

Attached sets forth that on 12/29/71 attorneys for the plaintiffs in the civil suit filed affidavits in U. S. District Court, Nashville, in response to affidavits previously filed by John Briggs, U. S. Attorney, Jacksonville. Briggs, in his affidavit, indicated that he had discussed various aspects of the case with plaintiffs' attorneys and shortly thereafter an article appeared in the "Nashville Banner," a Nashville, Tennessee, newspaper, including to the information he confidentially provided the attorneys. The implication in Briggs' affidavit was that plaintiffs' attorneys disclosed the information to the newspaper. Briggs' affidavit was filed in an effort to convince the U. S. District Judge at Nashville not to surrender answers to interrogatories provided by our Agents to the plaintiffs' attorneys. The Government argued that plaintiffs' attorneys would not treat the answers confidentially and would thus jeopardize the criminal proceedings at Jacksonville. We are still awaiting a final ruling from the Judge at Nashville as to whether the answers will be provided plaintiffs' attorneys. Plaintiffs' attorneys in the affidavits filed 12/29/71 indicated Briggs' affidavit was untrue and they did not leak information relative to the case.

We are continuing to follow this matter closely.

JFH:mcp

*Handwritten:* JH, IS, R/18, RJG, 294, AWB, 1/9

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 29 1971

TELETYPE

Mr. Tolson \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Rosen ☒ *Yes*  
Mr. Mohr \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Miller, ES \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Dalbey \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Ponder \_\_\_\_\_  
Mr. Bates \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

NR 09 ME PLAIN

630PM NITEL 12-29-71 KER

TO: DIRECTOR (164-2042)

JACKSONVILLE (164-103)

FROM: MEMPHIS (164-76)

Also Known As Crime Aboard Aircraft  
GEORGE MALLORY GIFFE, AKA (DECEASED); ET AL; CAA -  
Office of Origin:  
HIJACKING; ETC. OO: MEMPHIS.

Reference

RE MEMPHIS NITEL TO BUREAU AND JACKSONVILLE DECEMBER

TWENTYSEVEN LAST.

U.S. Attorney

Middle District of Tennessee,

USA CHARLES H. ANDERSON, MDT, NASHVILLE, ADVISED THIS

DATE THAT ON LATE AFTERNOON ATTORNEYS [REDACTED] AND

[REDACTED] REPRESENTING PLAINTIFFS IN CIVIL ACTION THIS

U.S. District Court

CASE, FILED AFFIDAVITS WITH USDC, MDT, NASHVILLE. THE

AFFIDAVITS WERE RECEIVED IN USDC CLERK'S OFFICE BY COVER

LETTER DIRECTED TO [REDACTED] DEPUTY CLERK, ADVISING

THAT THE TWO AFFIDAVITS WERE IN RESPONSE TO AFFIDAVITS OF

JOHN BRIGGS, USA, MDT, NASHVILLE. COPIES OF AFFIDAVITS WERE FORWARDED

TO USA'S ANDERSON AND BRIGGS AND DEPARTMENTAL ATTORNEY

[REDACTED] A P.S. ON BOTTOM OF LETTER READS "I WOULD

APPRECIATE YOUR BRINGING THESE PAPERS TO THE ATTENTION OF

END PAGE ONE

58 JAN 10 1972

REC'D - ROSEN  
DEC 22 8 23 AM '71

6-11  
PERS. REC. UNIT

ST-102

REC-59

164-2042-2814  
7 JAN 3 1972

ME 164-76

PAGE TWO

JUDGE GRAY. THEY ARE FILED IN RESPONSE TO THE UNTRUE AND INSULTING COMMENTS CONTAINED IN THE GOVERNMENT'S BRIEF, PARTICULARLY AT PAGE FOUR FOOTNOTE TWO FILED DECEMBER SEVENTEEN SEVENTYONE."

[ ] STATED IN HIS AFFIDAVIT DATED DECEMBER TWENTYNINE INSTANT THAT CONTRARY TO SUGGESTIONS CONTAINED IN MR. BRIGGS' AFFIDAVIT, [ ] AND HE DID NOT VISIT BRIGGS' OFFICE FOR PURPOSE OF OBTAINING FAA TAPES. [ ] SAID HE GAINED ACCESS TO TAPES PURSUANT TO COURT ORDER OF JUDGE GRAY OCTOBER EIGHT LAST. [ ] SAID HE MADE NO AGREEMENT WITH BRIGGS REGARDING DISCLOSURE OF TAPES HE HAD ALREADY RECORDED.

[ ] SAID BRIGGS MADE A MINOR CONFIDENTIAL DISCLOSURE TO [ ] AND HIM REGARDING FBI AGENT [ ] RESPONSE TO HIJACKING, BUT NO CONFIDENTIAL DISCLOSURE WAS MADE ABOUT THE TAPES OR OTHER ASPECTS OF THIS CASE. [ ] SAID THE TAPES WERE FIRST PUBLICLY DISCLOSED IN ARTICLE IN "NASHVILLE BANNER" OCTOBER TWELVE LAST. [ ] SAID BRIGGS AND OTHER GOVERNMENT LAWYERS CONTINUE TO ACCUSE HIM FALSELY IN BRIEFS

END PAGE TWO

b6  
b7c

ME 164-76

PAGE THREE

AND AFFIDAVITS FILED WITH COURT IN A TRANSPARENT EFFORT TO AVOID FACING THE GOVERNMENT'S OWN GROSS NEGLIGENCE AND MISCONDUCT TO HIDE ITS REFUSAL TO GIVE ANY EXPLANATION FOR DEATHS CAUSED BY ITS AGENTS. [ ] SAID BRIGGS TOLD HIM THE MAIN PURPOSE OF EX-PARTE JACKSONVILLE ORDER REGARDING DISCLOSURE WAS TO PREVENT HIM FROM OBTAINING INFORMATION.

b6  
b7C

[ ] IN AFFIDAVIT DATED DECEMBER TWENTYTHREE LAST SAID AT NO TIME DID HE OR [ ] INDICATE INTEREST IN OBTAINING TAPES IN CONVERSATION WITH BRIGGS ON OCTOBER TWELVE LAST. [ ] SAID BRIGGS WOULD MAKE IT APPEAR THAT [ ] DISCLOSED CONTENTS OF TAPES, ALL OF WHICH IS INCORRECT.

[ ] SAID THAT AT NO TIME DID MR. BRIGGS <sup>STATE</sup> ~~SAID~~ HE WAS READY TO MAKE FULL DISCLOSURE, BUT SAID HE PREFERRED MAKING A DISCLOSURE BUT FBI DID NOT WISH TO DO SO AND HE WAS GOING TO TRY TO PERSUADE THEM TO MAKE SUCH A DISCLOSURE.

ANDERSON ADVISED HE WOULD CONTINUE TO PROMPTLY ADVISE THE FBI OF ANY PERTINENT <sup>DEVELOPMENTS</sup> ~~DEVELOPMENTS~~ IN THIS CASE.

P

END

GXC FBI WASHDC

Assistant Attorney General  
Civil Division

November 9, 1971

EX-107  
REC-48  
Director, FBI

164-2042-295

ADMINISTRATIVE CLAIMS RESPECTING  
OCTOBER 4, 1971, HIJACKING OF  
HAWK COMMANDER 9058N FROM  
NASHVILLE, TENNESSEE, TO  
JACKSONVILLE, FLORIDA

1 -   
1 -  
1 - Mr. Dalbey

b6  
b7C

*B. Dalbey*

Reference is made to your letter dated November 3, 1971, concerning captioned matter, your file 157-71-148.

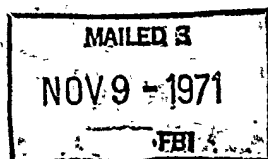
Please be assured that our field offices have been instructed to take appropriate action to insure the preservation of any and all documents and materials mentioned in the petition and motion which you enclosed with referenced letter. It should be borne in mind, however, that certain of our scientific examinations cause a slight alteration of the material examined. In this regard, it is to be noted the examinations conducted are a part of standard investigative procedures.

*[Handwritten signatures]*  
RHM:cms  
(6)

*[Handwritten signatures]*  
**NOTE:** This concerns hijacking of chartered aircraft from Nashville, Tennessee, to Jacksonville, Florida, 10/4/71. Survivors of the deceased persons in the hijacking and owners of the aircraft involved have filed a Federal Tort Claim against the Government. In connection with this civil action, the Government has been served with a petition to insure any and all documents and materials described within the petition and motion are preserved and not altered pending outcome of any future civil litigation. Assistant Attorney General, Civil Division, has requested that the Bureau take appropriate action to comply.

SD/GCM

Tolson \_\_\_\_\_  
Felt \_\_\_\_\_  
Rosen \_\_\_\_\_  
Mohr \_\_\_\_\_  
Bishop \_\_\_\_\_  
Miller, E.S. \_\_\_\_\_  
Callahan \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
Dalbey \_\_\_\_\_  
Cleveland \_\_\_\_\_  
Ponder \_\_\_\_\_  
Bates \_\_\_\_\_  
Tavel \_\_\_\_\_  
Walters \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_



MAIL ROOM ☐ TELETYPE UNIT ☐

*[Handwritten notes and signatures]*  
164-2042-295  
A-4334  
RHS  
RHS/OTR  
RSG  
10  
12/1/71

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : Mr. J. Edgar Hoover  
Director  
Federal Bureau of Investigation

DATE: November 3, 1971

FROM : *[Signature]*  
J. Patrick Gray, III  
Assistant Attorney General  
Civil Division

LPG *[Signature]*  
157-71-148  
*[Signature]*

Mr. Tolson	✓
Mr. Felt	✓
Mr. Rosen	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Miller, ES	✓
Mr. Callahan	✓
Mr. Casper	✓
Mr. Conrad	✓
Mr. Dalbey	✓
Mr. Cleveland	✓
Mr. Porter	✓
Mr. Bates	✓
Mr. Tavel	✓
Mr. Walters	✓
Mr. Soyars	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

SUBJECT: Administrative Claims Respecting October 4, 1971,  
Hijacking of Hawk Commander 9058N From Nashville,  
Tennessee, To Jacksonville, Florida

*George Mallery Ogiff Jr*

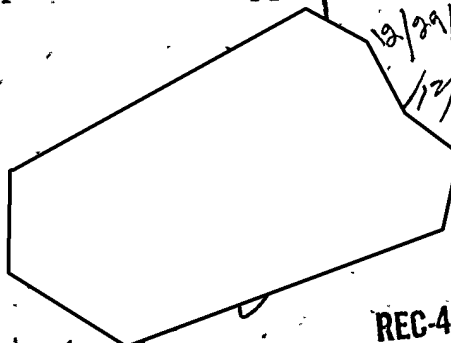
Attached hereto are a petition to perpetuate evidence  
and a motion amending the said petition which have been  
filed in the above litigation.

As part of our opposition to the petition to per-  
petuate evidence; we plan to advise the court that none  
of the documents or materials itemized in the petition  
or motion will be destroyed or in any way altered pend-  
ing the outcome of any civil litigation. Accordingly,  
we request that you take such action as you may deem  
appropriate to insure the preservation of any and all  
documents and materials which may fall within the  
descriptive paragraphs of the petition and motion.

Your cooperation is appreciated.

c 5730

Attachment



12/29/71  
12/29/71 JBT  
1/3/72  
EX-101

EXP. PROC.  
NOV 4 1971  
38  
1-4  
1-5

REC-48 164-2042-295

1-4-72  
6 NOV 4 1971

Let to AA6, Civil D  
RHM:Chc  
11-8-71

ENCLOSURE  
ENCLOSURE ATTACHED

Let to JKVME  
RHM:WCC  
11-5-71





164-2042-295

ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 30 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	b6
Miss Holmes	b7C
Miss Gandy	_____

NR 004 JK PLAIN

5:23 PM NITEL 12-30-71 ALH

TO DIRECTOR (164-2042)

MEMPHIS (164-76)

FROM JACKSONVILLE (164-103)

GEORGE MALLORY GIFFE, JR., PAREN DECEASED PAREN; [REDACTED]

AKA; ET AL, CAA DASH HIJACKING, ETC., OO: JK.

CR REMETEL DEC.TWENTYEIGHT, LAST.

JACKSONVILLE HAS RECEIVED TELECOPIES OF AFFIDAVITS FILED BY ATTORNEYS [REDACTED] AS MENTIONED IN ABOVE REFERENCED TELETYPE.

REVIEW OF THESE AFFIDAVITS FAILS TO SET FORTH ANY SPECIFIC COMMENT MADE BY ASAC [REDACTED] OR INDICATION AS TO WHAT THIS ALLEGED INFORMATION MIGHT BE AS ALLUDED IN SAID AFFIDAVITS. ASAC [REDACTED] HAS NO KNOWLEDGE AS TO WHAT INFORMATION AFFIDAVITS ALLUDE TO AS HIS COMMENTS TO USA BRIGGS IN JACKSONVILLE WERE VERY LIMITED.

CONTENTS OF AFFIDAVITS REVIEWED WITH AUSAS [REDACTED] AT JACKSONVILLE THIS DATE IN ABSENCE OF USA BRIGGS ON LEAVE DUE TO  
END PAGE ONE

58 JAN 10 1972

EX-115

REC-34

164-2042-296  
6-N

9 JAN 4 1972

JK 164-103

PAGE TWO

ILLNESS IN HIS FAMILY. IT WAS THE OPINION OF [REDACTED] THAT NO ACTION SHOULD BE TAKEN AT THIS TIME BASED ON THE COMMENTS IN THE ABOVE AFFIDAVITS. THEY FELT THAT NO PURPOSE WOULD BE SERVED IN DRAFTING AN IMMEDIATE AFFIDAVIT IN REPLY UNLESS SIGNIFICANT UNFAVORABLE PUBLICITY WAS TO APPEAR IN THE PRESS IN NEAR FUTURE.

b6  
b7C

BUREAU WILL BE ADVISED OF ANY DECISION TO PREPARE AFFIDAVIT OF REPLY AND OF RESULTS OF CONTACT WITH USA BRIGGS UPON HIS RETURN.

END

MRF FBI WA DC

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

DEC 30 1971

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR 01 ME PLAIN

10:17PM NITEL 12-30-71 KER

TO DIRECTOR (164-2042)

JACKSONVILLE (164-103)

FROM MEMPHIS (164-76) (2P)

GEORGE MALLORY GIFFE, JR., AKA (DECEASED); <sup>ETAL</sup> ~~SDA~~; CAA -

HIJACKING; INTIMIDATION OF CREW MEMEBERS, CARRYING A CONCEALED  
WEAPON; KIDNAPPING; FTCA. OO : JACKSONVILLE.

RE MEMPHIS NITEL TO BUREAU AND JACKSONVILLE,  
DECEMBER NINE, LAST.

BUREAU NOTE COPIES OF LETTER WITH ATTACHED AFFIDAVITS  
OF [REDACTED] ATTORNEYS FOR  
PLAINTIFFS IN CIVIL ACTION ARE BEING FORWARDED BY AIRMAIL  
TO BUREAU AND JACKSONVILLE PROMPTLY. NEXT MEMPHIS REPORT HAS  
BEEN DICTATED AND WILL BE FORWARDED TO BUREAU PROMPTLY. REPORT  
CONTAINS ANSWERS OF SA [REDACTED] TO INTERROGATORIES AS REQUESTED  
BY BUREAU. EX-104 ~~RELO~~ 104-2042-297

THE LETTER WITH ATTACHED AFFIDAVITS FILED USDC, MDT,  
NASHVILLE, DECEMBER TWENTYNINE, LAST, BY ATTORNEYS [REDACTED] 4 1972  
[REDACTED] RECEIVED NO PUBLICITY IN NEWSPAPERS AND  
TELEVISION IN THE NASHVILLE AREA TO DATE.

END PAGE ONE

51 JAN 7 1972

CC: [REDACTED]

ME 164-76

PAGE TWO

CONTACT WITH USA CHARLES H. ANDERSON DETERMINED  
COURSE OF ACTION BY GOVERNMENT IN RESPONSE TO ORDER USDCJ  
FRANK GRAY, JR., MDT, DECEMBER TWENTYTWO, LAST, <sup>HAS NOT</sup><sub>BEEN</sub>  
BEEN DETERMINED AND BUREAU WILL BE PROMPTLY ADVISED OF  
ANY DECISION REACHED BY ANDERSON THROUGH HIS COMMUNICATIONS  
WITH  DEPARTMENTAL ATTORNEY.

b6  
b7C

BUREAU AND JACKSONVILLE WILL BE PROMPTLY ADVISED  
OF ANY NEW DEVELOPMENTS IN THIS CASE.

P

END

HOLD PLS

GXC FBI WASHDC

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

JAN 4 1972

TELETYPE

NR008 JK PLAIN

7:00 PM NITEL 1-4-72 ALH

TO DIRECTOR (164-2042)

MEMPHIS (164-73)

FROM JACKSONVILLE (164-103) (P)

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Pender	_____
Mr. Bates	_____
Mr. Wilkard	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	b6
Miss Holmes	b7C
Miss Gandy	_____

ALSO KNOWN AS

GEORGE MALLORY GIFFE, JR., AKA PAREN DECEASED PAREN;

CRIME ABOARD AIRCRAFT

OFFICE OF ORIGIN

AKA, ETS AL, CAA DASH HIJACKING, ETC. - OO: JK.

And others

Jacksonville

RE JACKSONVILLE TEL DEC. TWENTY SEVEN, LAST.

ON JAN. THREE, LAST, <sup>U. S. ATTORNEY</sup> USA, JACKSONVILLE, FILED MOTION FOR CONTIN-

<sup>Middle District of Florida</sup>UANCE BASED ON ORDER OF CHIEF JUDGE MC RAE, MDP, JACKSONVILLE, ISSUED

DEC. TWENTY ONE, LAST, ORDERING TRIAL IN  MATTER TO COMMENCE

ON JAN. SEVENTEEN, NEXT.

MOTION POINTS OUT THAT COURT STILL HAS MOTION FOR REHEARING OF COURT'S DENIAL OF DEFENDANT'S MOTION FOR TRANSFER WHICH WAS ARGUED AND DENIED ON DEC. FOURTEEN, LAST. COURT HAS NOT YET RULED ON DEFENDANT'S MOTION AS TRANSCRIPT HAS NOT BEEN COMPLETED FOR ORIGINAL HEARING ON MOTION FOR TRANSFER AND JUDGE TJOFAT WANTS TO REVIEW TRANSCRIPT BEFORE CONSIDERING MOTION FOR REHEARING.

END PAGE ONE

EX-101

REC-3

54 JAN 10 1972

12 JAN 5 1972

6-1h  
164-2042-298

JK 164-103

PAGE TWO

GOVERNMENT'S MOTION CONTINUES THAT OMNIBUS HEARING IS SET FOR JAN. TEN, NEXT, ASSUMING COURT'S DENIAL OF DEFENDANT'S MOTION FOR REHEARING AND THIS WOULD RESULT IN OMNIBUS HEARING FOUR DAYS BEFORE EXPIRATION OF DEFENDANT'S APPEAL TIME, JAN. FOURTEEN, NEXT.

GOVERNMENT STATES THAT GOVERNMENT AND DEFENDANT HAVE NOT HAD OMNIBUS CONFERENCE DUE TO PENDING REHEARING MOTION. GOVERNMENT'S POSITION IS THAT IF TRANSFER WERE GRANTED, OMNIBUS PROJECT SHOULD NOT BE ENTERED INTO IN ABSENCE OF SUCH A PROCEDURE IN NASHVILLE. IF TRANSFERRED, DISCOVERY PROCEDURES AND STRATEGY SHOULD BE CONTROLLED BY TRANSFEREE DISTRICT.

COURT WAS REQUESTED COURT CONTINUE OMNIBUS HEARING DATE UNTIL SUCH TIME AS COURT HAS RULED ON DEFENDANT'S MOTION FOR REHEARING AND APPEAL TIME HAS EXPIRED. IF DEFENDANT APPEALS, REQUEST MADE TO CONTINUE OMNIBUS HEARING DATE INDEFINITELY UNTIL APPEAL MANDATE ISSUED.

ON JANUARY FOUR, INSTANT, DEFENDANT'S ATTORNEYS FILED MOTION FOR CONTINUANCE BASED ON PENDING REHEARING MOTION AND OTHER PENDING TRIALS BEING HANDLED BY DEFENDANT'S ATTORNEYS [REDACTED] BOTH ATTORNEYS CONTEND THAT THEY CANNOT PREPARE AND WILL NOT BE PREPARED FOR TRIAL ON JAN. SEVENTEEN, NEXT.

END PAGE TWO.

b6  
b7C

ON JAN. FOUR, INSTANT, HEARING HELD BEFORE CHIEF JUDGE MC RAE, MDF, JACKSONVILLE, ATTENDED BY DEFENDANT'S ATTORNEY [REDACTED] ASSISTANT UNITED STATES ATTORNEY AUSA [REDACTED] AND JACKSONVILLE CASE AGENT.

JUDGE MC RAE STATED THAT HE WAS DISTRESSED OVER POSSIBLE DELAY IN TRIAL OF [REDACTED] IN VIEW OF FACT THAT HE WILL BE PRESIDING DURING ENTIRE MONTH OF JANUARY. GOVERNMENT TOOK POSITION THAT IT WAS READY TO GO TO TRIAL ON DATE SET BY JUDGE MC RAE, HOWEVER, IT REALIZED MOTION ON REHEARING WAS STILL PENDING. AUSA [REDACTED] STATED THAT GOVERNMENT DID NOT WANT TO INDICATE THAT IT WAS IN FAVOR OF CONTINUANCE, HOWEVER, IT DID REALIZE CONFLICTS EXISTED AT THIS TIME.

ON JAN. FOUR, INSTANT, CHIEF JUDGE MC RAE ENTERED ORDER CONTINUING CASE UNTIL FURTHER ORDER OF COURT. HE SAID THAT HE WOULD REVIEW COURT CALENDAR AND CONSULT WITH OTHER JUDGES TO DETERMINE WHEN NEW DATE FOR TRIAL CAN BE SET. JUDGE MC RAE SAID THAT THIS DATE WOULD BE IN NEAR FUTURE IF AT ALL POSSIBLE.

JACKSONVILLE MAINTAINING CLOSE CONTACT WITH USA'S OFFICE AND BUREAU WILL BE PROMPTLY ADVISED OF ALL DEVELOPMENTS IN THIS MATTER.

FOR INFO OF BUREAU AND MEMPHIS, LOCAL JACKSONVILLE NEWS MEDIA GAVE SYNOPSIS OF INSTANT CASE ON THIS DATE DUE TO PROXIMITY OF [REDACTED] TRIAL. USA'S OFFICE RECEIVED TELCAL FROM NASHVILLE BANNER REPORTER INQUIRING ABOUT GOVERNMENT'S POSITION IN REQUEST FOR CONTINUANCE. USA'S OFFICE TOOK STRONG POSITION THAT THEY WERE READY FOR TRIAL AT APPOINTED DATE.

MEMPHIS AT NASHVILLE SHOULD BE ALERT FOR ANY UNFAVORABLE PUBLICITY IN THIS MATTER.

END

LRS FBI WASHDC

HOLD



et al.  
v. UNITED STATES, UNITED STATES  
DISTRICT COURT, MIDDLE DISTRICT  
OF TENNESSEE  
CIVIL SUIT

1 - Mr

1 - Mr

Decem

1 - Mr

1 - Mr

1 - Mr

1. - Mr

1 - Mr

Mr. Tolson \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Miller, E.S. \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Dalbey \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Ponder \_\_\_\_\_  
Mr. Bates \_\_\_\_\_  
Mr. Waikart \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

164.2042.

Enclosed find two copies each of responses provided by personnel of our Memphis and Jacksonville Offices to the interrogatories provided us by your letter of December 10, 1971, your file 157-71-148.

It can be seen from a review of the responses that pertinent portions of the pending criminal case are set forth and that successful prosecution in this case will be jeopardized if these responses are made available to the plaintiffs in the civil suit prior to resolution of the criminal proceedings. For this reason, we strenuously object to the furnishing of these responses to the plaintiffs in the civil suit prior to completion of the criminal prosecution.

ENCL BEHIND FILE	REG
Enclosures (14)	SENT FROM D. O.
<del>ENGINEERING ATTACHMENT</del>	TIME 4:29 PM
JFH/bkg	DATE 12-18-77
(610)	BY net
CLOSURE	

REC-15/64-2042-297

1 JAN 6 1972

NOTE: This concerns the 10/4/71 hijacking of a small aircraft by George M. Giffe, Jr., and [redacted] wherein Giffe killed two others and then himself. [redacted] has been charged with a violation of the Federal Kidnaping Statute at Jacksonville. A civil suit has been filed in U. S. District Court, Nashville, arising out of this incident. The Civil Division of the Department provided us with interrogatories requesting responses from certain personnel of our Memphis and Jacksonville Offices. The interrogatories were provided the Department by plaintiffs' attorney. The interrogatories and responses have been reviewed by representatives of the General Investigative Division and Office of Legal Counsel and were found to:

CONTINUED - OVER

54 JAN 14 1972

MAIL ROOM ☒ TELETYPE UNIT ☐

NOTE CONTINUED:

be responsive and suitable for dissemination to the Department. We are once again objecting to the providing of the responses to plaintiffs as we feel to do so would jeopardize prosecution in the criminal matter. This matter is being closely followed with the field and the Department.

1

F B I

Date: 12/31/71

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (164-2042)  
FROM: SAC, MEMPHIS (164-76) (P)  
GEORGE MALLORY GIEFFE, JR., aka  
(DECEASED);  
ET AL  
CAA - HIJACKING; INTIMIDATION OF  
CREW MEMBERS, CARRYING A CONCEALED  
WEAPON; KIDNAPING; FTCA  
(OO: JACKSONVILLE)

Re Memphis nitel to Bureau and Jacksonville  
12/29/71, and Jacksonville telephone call to Memphis 12/30/71.

Enclosed for Bureau and Jacksonville are 2 copies  
each of letter with attached affidavits of [REDACTED]  
and [REDACTED] filed in USDC, MDT, Nashville, Tenn.,  
12/29/71 in civil action this case.

Bureau note context of portions of enclosed  
affidavits submitted to Bureau and Jacksonville in referenced  
nitel. The Jacksonville Division was furnished a copy of  
letter with affidavits by telecopier on 12/30/71 for review  
by USA JOHN L. BRIGGS, MDF, Jacksonville, Fla. The copy was  
furnished pursuant to request in referenced Jacksonville  
telephone call.

Bureau and Jacksonville will be promptly advised  
of any pertinent developments in this case.

- ENCLOSURE
- ② - Bureau (Enc-2)
  - 2 - Jacksonville (164-103) (Enc-2)
  - 2 - Memphis

RAM/acp  
(6)

15 JAN 5 1972

Approved: [Signature]  
Special Agent in Charge

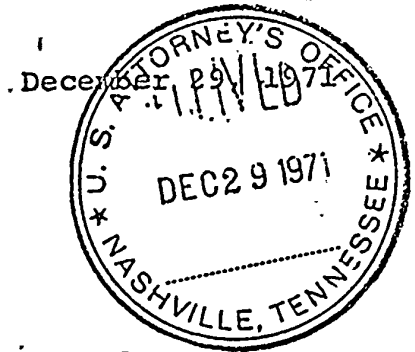
Sent \_\_\_\_\_ M Per \_\_\_\_\_

LAW OFFICES

GULLETT, STEELE, SANFORD, ROBINSON & MERRITT

D. D. GULLETT  
THOMAS WARDLAW STEELE  
VALERIUS SANFORD  
JACK WRIGHT ROBINSON  
GILBERT S. MERRITT  
J. MURRAY MILLIKEN  
OLIVER B. DICKINS, JR.  
ROGER T. MAY  
ALLEN D. LENTZ

TWENTY-THIRD FLOOR, LIFE & CASUALTY TOWER  
NASHVILLE, TENNESSEE 37219  
TELEPHONE (615) 244-4994



Mr. Frank Williams, Deputy Clerk  
United States District Court  
United States Courthouse  
801 Broad Street  
Nashville, Tennessee 37203

Re: Mrs. Brent Quinton Downs, et al., v.  
United States, Civil Action No. 6348

Dear Frank:

Enclosed are two affidavits, one by Jack A. Butler, Esquire, and the other by me, to be filed in the above captioned case in response to an affidavit recently filed by John L. Briggs, United States Attorney for the Middle District of Florida, as a part of the government's supplemental brief respecting the perpetuation of evidence signed by Mr. Neil Peterson of the Department of Justice and filed on December 17, 1971. I would appreciate your seeing that these two affidavits are made a part of the record in this case.

Sincerely,

Gilbert S. Merritt

GSM:bcj

Enclosures 2

cc: The Honorable Charles H. Anderson  
The Honorable John L. Briggs  
Neil Peterson, Esquire

*P.S. I would appreciate your bringing these papers to the attention of Judge Gray. They are filed in response to the untrue and insulting comments contained in the Government's brief - particularly at page 4, footnote 2 - filed Dec. 17, 1971.*

ENCLOSURE 164-2442-300

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
Nashville Division



MRS. BRENT QUINTON DOWNS and  
ANDREW ARTHUR DOWNS,  
620 Paces Ferry Road,  
Nashville, Tennessee,

SUSAN GERMAINE GIFFE and  
MAJOR AND MRS. JOSEPH S. LAKICH,  
4122 Moss Rose Drive,  
Nashville, Tennessee,

BIG BROTHER AIRCRAFT, INC., and  
M. P. BROTHERS, JR., Nashville  
Metropolitan Airport, Nashville,  
Tennessee,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.)

CIVIL ACTION NO. 6348

A F F I D A V I T

On this date personally appeared before me Gilbert S. Merritt, who being duly sworn, deposes as follows:

On October 12, 1971, at approximately four o'clock P.M., Jack A. Butler and I, acting as counsel for Big Brother Aircraft, Inc., Mrs. Brent Quinton Downs and Susan Germaine Giffe, discussed with John L. Briggs, United States Attorney for the Middle District of Florida, at his office in Jacksonville, the hijacking of a Big Brother Aero Commander aircraft from Nashville to Jacksonville on October 4, 1971.

Contrary to the suggestions contained in Mr. Briggs' affidavit dated December 16, 1971, Mr. Butler and I did not visit Mr. Briggs' office for the purpose of obtaining FAA tapes relating to the hijacking. Mr. Butler and I had already listened to and fully recorded these tapes on that same morning prior to our afternoon conversation with Mr. Briggs. We gained access to the tapes pursuant to an order dated October 8, 1971,

issued by Judge Frank Gray, Jr., granting us the right to listen and record the tapes." Having already heard and recorded the tapes under the court order we had no reason to ask Mr. Briggs for his permission to hear the tapes; and I believe at the beginning of our conversation with Mr. Briggs, Mr. Butler and I advised him that we had heard and recorded the tapes but that we needed access to certain additional information concerning the FBI's handling of the hijacking which information was in the exclusive possession of the FBI. I believe we further advised Mr. Briggs that we had just left the office of the Special Agent in Charge of the FBI in Jacksonville who had declined to give us the information or permit us to interview the FBI agents involved in the incident. We requested that Mr. Briggs disclose this information to us concerning FBI activities in connection with the hijacking, and Mr. Briggs said he would be willing to provide us with this information but would first have to obtain permission from the FBI. Subsequently repeated requests were made by me to the FBI to release this information, but these requests have been refused.

We made no agreement with Mr. Briggs regarding disclosure of the contents of the tapes which we had already recorded under court order above mentioned. During the conversation, Mr. Briggs made a minor confidential disclosure to us respecting FBI Agent O'Connor's response to the hijacking, but no confidential disclosure was made about the tapes or other aspects of the case. We have not disclosed the one item of information divulged to us in confidence by Mr. Briggs.

The contents of the tapes were first publicly disclosed in an article written by Mr. Larry Brinton in the Nashville Banner, appearing in its afternoon edition on October 12, 1971. In this article portions of the tapes were quoted. Mr. Brinton subsequently advised Mr. Butler and me that he had listened to the tape recordings of the conversations between the pilot of the hijacked plane and the Jacksonville tower before we arrived in Jacksonville. He would not reveal to us the source of his information or the person who had disclosed the tapes to him. He did not obtain from me the information he published.

Subsequently my secretary transcribed the tapes and copies of the transcription were mailed as a part of the

administrative claim required to be filed in tort claims cases to a number of persons including government officials, my clients, and other lawyers involved in the case. One of the persons receiving a copy of the transcriptions gave a copy to a reporter for the Washington Post which printed the transcript on Monday, October 18, 1971.

The transcript of the tape contains no reference whatever to Wallace, the defendant in the criminal case, and it contains no evidence bearing on his innocence or guilt. The court order under which I gained access to the tapes did not prevent me from sending copies of the transcript to the parties to whom it was distributed or otherwise disclosing the contents thereof, nor did I have an agreement with Mr. Briggs regarding distribution of the transcript; nor did I have any ethical, moral, professional or contractual duty to keep the contents of the tapes secret so far as I am aware. Judge Frank Gray, Jr., subsequently found and entered an order in this case that the tapes in no way effect Wallace's criminal case, have no bearing on his guilt or innocence and are not privileged information but are public because their contents were published at large when the words and sounds were first spoken over radio frequencies available to the public in Jacksonville.

Mr. Briggs and other government lawyers continue to accuse me falsely in briefs and affidavits filed with the court in a transparent effort to avoid facing the government's own gross negligence and misconduct and to hide its refusal to give any explanation to the families of the deceased persons or the public for the deaths caused by its agents.

In connection with the motion to perpetuate testimony, that motion was pending in the Nashville federal court for two weeks prior to the date of the hearing. The whole purpose of the Nashville hearing was to determine what information the government would be required to disclose.

On the date of the hearing the court and counsel for petitioners learned for the first time that the government without notice to us and without notifying the district judge here asked for and received in an ex parte proceeding that day in Jacksonville an order prohibiting us from receiving any information concerning the hijacking from any government source. On the date of the hearing Mr. Charles H. Anderson, the United States Attorney, advised me that this strategy for defeating disclosure of information to us had been discussed and planned several days prior to our hearing in Nashville. Moreover Mr. Briggs advised me in a telephone conversation from Mr. Anderson's office on the day of the hearing that the main purpose of the ex parte Jacksonville order regarding disclosure was to prevent any disclosure to us. Further, the order was entered there without notice to us or the court here on the basis <sup>of</sup> erroneous representations concerning our conduct as attorneys, the precise content of which I am still unaware of, and the order was <sup>apparently</sup> based on representations to the court that only the Jacksonville court and not the Nashville court has jurisdiction and venue over our federal tort claims act case, a representation which is clearly wrong.

  
GILBERT S. MERRITT

Sworn to and subscribed before me,  
this 24<sup>th</sup> day of December, 1971.

  
NOTARY PUBLIC

My commission expires: 1/30/74



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MRS. BRENT QUINTON DOWNS and  
ANDREW ARTHUR DOWNS,  
620 Paces Ferry Road  
Nashville, Tennessee,

SUSAN GERMAINE GIFFE and  
MAJOR AND MRS. JOSEPH S. LAKICH,  
4122 Moss Rose Drive  
Nashville, Tennessee

BIG BROTHER AIRCRAFT, INC. and  
M. P. BROTHERS, JR., Nashville  
Metropolitan Airport, Nashville,  
Tennessee,

Petitioners

vs.

CIVIL ACTION NO. 6348

UNITED STATES OF AMERICA,

Respondent

A F F I D A V I T

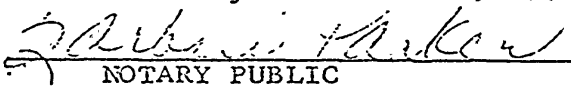
On October 12, 1971, I, along with Gilbert Merritt, Attorney At Law, of Nashville, Tennessee, visited John L. Briggs, United States Attorney for the Middle District of Florida, in his office at Jacksonville, Florida. To the best of my recollection this was sometime around 4:30 in the afternoon and the only persons present in Mr. Briggs' office were Mr. Briggs, Mr. Merritt and me. Mr. Merritt and I advised Mr. Briggs that we did represent certain parties who were interested in pursuing the civil claim as a result of a hi-jacking which ended in Jacksonville, Florida on October 4, 1971. At no time did Mr. Merritt ever indicate any interest in obtaining any tapes made by the FAA relating to conversations occurring between ground personnel and the aircraft during the incident to Mr. Briggs. All of the tapes had already been obtained that morning, and as a matter of fact, we had already

recorded those tapes. Therefore, our purpose in visiting Mr. Briggs had nothing whatsoever to do with any tapes. At no time did Mr. Briggs state that he was ready and prepared to make a full disclosure to Mr. Merritt, Mr. Neal or me but stated that he would prefer to make a disclosure, but the FBI did not wish to do so and he was going to try to persuade them to make such a disclosure. Mr. Briggs did make certain disclosures to Mr. Merritt and me pertaining to this incident, and we assured him that we would not discuss these disclosures with anyone or make them public in any way. These disclosures have not been made public, and I will not set the disclosures out in this affidavit since we did advise Mr. Briggs and assured him that we would not make known this information. There has never been made public to my knowledge by any news media the disclosures that Mr. Briggs made to us since Mr. Merritt and I gave him our assurances that they would not be, and they have not been.

Mr. Briggs would make it appear that Mr. Merritt disclosed the contents of the tapes to the news media, all of which is incorrect, and as aforesaid, the tapes were not ever requested from Mr. Briggs since we already had them and we may have discussed the fact with Mr. Briggs that we obtained them, which he already knew, and further it is common knowledge that the tapes, or excerpts therefrom, appeared in a newspaper before we ever entered the office of Mr. Briggs.

  
JACK A. BUTLER

Sworn to and subscribed before me,  
this 23rd day of December, 1971.

  
NOTARY PUBLIC

My commission expires: 2/4/75

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

JAN 6 1972

TELETYPE

NR014 JK PLAIN

8:15 PM NITEL 1-6-72 ALH

TO DIRECTOR (164-2042)

ALBUQUERQUE

MEMPHIS (164-76)

FROM JACKSONVILLE (164-103) (P) 2P

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dabney	_____
Mr. Cleveland	_____
Mr. Gandy	_____
Mr. Harbo	_____
Mr. Hendon	_____
Mr. Jones	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

b6  
b7C

GEORGE MALLORY GIFFE, JR. PAREN DECEASED PAREN; [REDACTED]  
AKA, ET AL CAA - HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING  
A CONCEALED WEAPON, KIDNAPING, FTCA. 00: JK.

RE MEMPHIS REPORT OF SA [REDACTED] DEC. ONE, LAST.

FOR INFO OF ALBUQUERQUE, ON OCT. FOUR, LAST, GIFFE AND [REDACTED]  
ABDUCTED GIFFE'S WIFE, SUSAN L. GIFFE, AND PLACED HER ABOARD  
CHARTERED AIRCRAFT AT NASHVILLE, TENN., AIRCRAFT HIJACKED AND FLEW  
TO JACKSONVILLE, FLA. WHERE GIFFE KILLED PILOT, HIS WIFE AND SELF  
AFTER LANDING. [REDACTED] APPREHENDED AND AWAITING PROSECUTION AT  
JACKSONVILLE.

EX-117

REC-20

164-2042 301

REVIEW OF REFERENCED REPORT REFLECTS [REDACTED]

b6  
b7C  
b7D

END PAGE ONE

JAN 11 1972

6-11-72

JK 164-103

PAGE TWO

b7D

ALBUQUERQUE WILL IDENTIFY SUBSCRIBER TO ABOVE LISTED TELEPHONE NUMBER. INDICES CHECK SHOULD BE MADE ON SUBSCRIBER FOR POSSIBLE BACKGROUND AND IDENTIFICATION. SUBSCRIBER WILL BE INTERVIEWED FOR COMPLETE DETAILS OF ASSOCIATION WITH GIFFE AND NATURE OF TELCALLS ON OCT. ONE, LAST. SUBSCRIBER SHOULD ALSO BE QUESTIONED AS TO ANY KNOWLEDGE OF [REDACTED] ASSOCIATE OF GIFFE.

b6  
b7C

SUTEL RESULTS AND FORWARD THREE ZERO TWOS AND INSERTS BY FOLLOWING AIRTEL.

BUREAU HAS INSTRUCTED THAT THIS MATTER BE GIVEN PREFERRED AND PROMPT ATTENTION.

END

REW

FBI WASH DC

CLR

# FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>MEMPHIS</b>	OFFICE OF ORIGIN <b>JACKSONVILLE</b>	DATE <b>1/5/72</b>	INVESTIGATIVE PERIOD <b>11/29/71 - 12/29/71</b>
TITLE OF CASE <b>GEORGE MALLORY GIFFE, aka (Deceased); ET AL; SUSAN LAKICH GIFFE, aka - VICTIM (Decessed); ET AL</b>		REPORT MADE BY SA <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span>	TYPED BY <b>JAP</b>
		CHARACTER OF CASE <b>CAA - HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED WEAPON; KIDNAPING; FTCA</b>	

## REFERENCES:

Memphis report of SA  12/1/71.

- P -

## LEADS:

### JACKSONVILLE DIVISION

AT JACKSONVILLE, FLORIDA Follow and report prosecutive action against subject WALLACE.

### MEMPHIS DIVISION

AT NASHVILLE, TENNESSEE Continue efforts to develop information of value in this case, and follow civil actions filed

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
								PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: ④ - Bureau (164-2042) 1 - USA, Nashville 3 - Jacksonville (164-103) (1 - USA, Jacksonville) 2 - Memphis (164-76)		164-2042-302	REC-11
		JAN 10 1972	EX-104

Dissemination Record of Attached Report		Notations
Agency	1-RAO crim Att	
Request Recd.	1-RAO Civil Div. Att	
Date Fwd.	8/14/72	
How Fwd.	1-FAA	
By	1-TKm 5716	

**SIX  
STAT. SECT.**

*[Signature]*  
CLASS. 151313

60 JUL 21 1972

COVER PAGE

ME 164-76

in U. S. District Court, Middle District of Tennessee, Nashville.

ADMINISTRATIVE:

USA CHARLES H. ANDERSON, MDT, Nashville, through correspondence with District Director, Internal Revenue Service, Nashville, obtained information regarding subject GIFFE's IRS audit for tax years 1968 through 1970. Results of the IRS inquiries are contained in interview with [redacted] [redacted] IRS, Nashville, incorporated in administrative pages of this report.

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b7C

The Memphis Division will continue to pursue all logical investigation to assure associates of subject [redacted] and subject GIFFE are contacted.

On 11/29/71, [redacted] official. Dun and Bradstreet, Nashville Office, advised SA [redacted] that the financial condition of Big Brother Aircraft, Inc., Nashville Metro Airport, Nashville, Tenn., is listed in his records as satisfactory. [redacted] added, however, that his records contain no financial or background reports on Big Brother Aircraft, Inc., and no other information was available.

The investigative period of this report predates referenced report inasmuch as investigation conducted on 11/29/71 was not prepared for inclusion in referenced report.

JUL 25 1972  
778  
ORIGINAL RETAIN

## FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/28/71

Referral/Consult

[redacted] Internal Revenue Service  
Agent, Nashville District, was contacted and advised that  
Internal Revenue Service records at Nashville indicate  
that [redacted]

[redacted]

Interviewed on 12/16/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] b6  
b7C Date dictated 12/21/71

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

COVER PAGE C

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - U. S. Attorney, Jacksonville, Florida  
1 - U. S. Attorney, Nashville, Tennessee

Report of: SA [REDACTED]  
Date: January 5, 1972

Office: MEMPHIS

b6  
b7C

Field Office File #: Memphis 164-76

Bureau File #: 164-2042

Title: GEORGE MALLORY GIFFE, JR. (Deceased)

[REDACTED]  
SUSAN LAKICH GIFFE - VICTIM (Deceased)  
BRENT QUINTON DOWNS - VICTIM (Deceased)  
[REDACTED] - VICTIM

Character: CRIME ABOARD AIRCRAFT - HIJACKING, INTIMIDATION OF CREW  
MEMBERS, CARRYING A CONCEALED WEAPON, KIDNAPING; FEDERAL  
TORT CLAIMS ACT

Synopsis: [REDACTED] associate of Big Brother Aircraft (BBA)  
lineman, was parked in vehicle behind BBA hangar but did  
not observe arrival of subject GIFFE's vehicle on 10/4/71.  
[REDACTED] psychiatrist, not able to comment on  
mental condition of GIFFE on 10/4/71 inasmuch as last  
contact with subject GIFFE was 12/19/57; however, stated  
[REDACTED]  
[REDACTED] former landlord of subject [REDACTED]  
commented she never evidenced emotional instability on  
[REDACTED] part. Civil actions in this case set forth in  
chronological order.

- P. -

DETAILS:

AT NASHVILLE, TENNESSEE



TABLE OF CONTENTS

	<u>Page</u>
I. INVESTIGATION AT BIG BROTHER AIRCRAFT, INC., NASHVILLE METROPOLITAN AIRPORT, NASHVILLE, TENNESSEE, AND RELATED INVESTIGATION . . . . .	3
II. DETAILS OF BACKGROUND INVESTIGATION REGARDING SUBJECT GIFFE . . . . .	5
III. DETAILS OF BACKGROUND INVESTIGATION REGARDING SUBJECT [REDACTED] . . . . .	7
IV. CIVIL ACTIONS FILED WITH U. S. DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE, NASHVILLE, TENNESSEE, AND RELATED COMMUNICATIONS . . . . .	9
A. FURTHER OPPOSITION OF THE UNITED STATES TO PETITIONERS' PETITION TO PERPETUATE EVIDENCE, FILED 12/17/71 . . . . .	10
B. LETTER DATED 12/21/71, DIRECTED TO ATTORNEY [REDACTED] FROM L. PATRICK GRAY, III, ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION, U. S. DEPARTMENT OF JUSTICE . . . . .	42
C. ORDER OF U. S. DISTRICT COURT JUDGE FRANK GRAY, JR., FILED 12/22/71 . . . . .	45
D. LETTER WITH ATTACHED AFFIDAVITS OF [REDACTED] FILED 12/29/71 . . . . .	50
E. REPLY OF [REDACTED] SPECIAL AGENT, FBI, TO INTERROGATORIES SUBMITTED IN ACCORDANCE WITH ORDER OF DISTRICT COURT JUDGE, NASHVILLE, 11/11/71 . . . . .	57
F. RESULTS OF CONTACT WITH U. S. ATTORNEY CHARLES H. ANDERSON, NASHVILLE, TENN. . . . .	62

b6  
b7C

ME 164-76

I. INVESTIGATION AT BIG BROTHER AIRCRAFT, INC.,  
NASHVILLE METROPOLITAN AIRPORT, NASHVILLE,  
TENNESSEE, AND RELATED INVESTIGATION

## FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/1/71b6  
b7C

[redacted] advised sometime between 12 midnight and 12:30 a.m. on the morning of October 4, 1971, she arrived behind the hanger of Big Brothers Aircraft, to visit with [redacted] employed as a lineman for Big Brothers Aircraft. She parked her automobile behind the hanger and [redacted] came out of the hanger to tell her that Big Brothers Aircraft had a charter flight going out at approximately 1 a.m. [redacted] requested she wait until the charter flight departed.

At approximately 1:15 a.m. or 1:30 a.m. [redacted] came back to her automobile to inform her that the charter flight customer had not yet arrived, and the customer kept calling to say that he would be 10 minutes late. She continued to sit in her automobile, although she paid no attention to arrivals or departures from Big Brothers Aircraft hanger. She does not recall specifically any vehicles she saw in the area and she did not know the charter customer had arrived until [redacted] ran over to her automobile. [redacted] appeared extremely excited and told her to go home and get some sleep. [redacted] said something about a hijack; however, she did not understand him.

She left the area immediately and did not know about the hijacking of a Big Brothers Aircraft until she heard a news broadcast on her radio while going to work the same morning.

Interviewed on 11/29/71 at [redacted] File # Memphis 164-76  
by SA [redacted] 4 Date dictated 11/30/71

ME 164-76

II. DETAILS OF BACKGROUND INVESTIGATION  
REGARDING SUBJECT GIFFE

## FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/10/71

[redacted] Psychiatrist [redacted]

[redacted] stated that he could not comment on the mental condition of GEORGE M. GIFFE, a former patient of his, on October 4, 1971, inasmuch as his last contact with GIFFE was December 19, 1957. [redacted] stated that as recent as January 30, 1959, [redacted]

[redacted] advised him of [redacted]

[redacted]

b6  
b7C

Interviewed on 12/2/71 at Nashville, Tennessee File # Memphis 164-76

by SA [redacted] 6 Date dictated 12/7/71

ME 164-76

III. DETAILS OF BACKGROUND INVESTIGATION  
REGARDING SUBJECT

b6  
b7c

## FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/7/71b6  
b7c

[redacted]  
[redacted] advised as follows:

[redacted] lived in a basement apartment at her residence for about a year during 1968 or 1969. When they left, they moved to North Carolina and when they returned to the Gallatin area to live, [redacted] phoned her to see if her apartment was vacant but inasmuch as it was not, the [redacted] found a residence elsewhere. While the [redacted] lived there, she believes that [redacted] worked at a tool and die factory in Gallatin and she believes that he was going to night school at the same time.

While the [redacted] resided at her home, they paid their rent regularly and she never had any trouble from them. She did not notice any emotional instability on the part of [redacted] although she did not know him very well. She believes that his wife was from Oregon and she recalls once meeting the aunt and uncle of either [redacted] or his wife, at which time she learned that the aunt was employed at the United States Embassy in Mexico City, Mexico. She believes that it probably was the aunt and uncle of [redacted] that she met, rather than [redacted] aunt and uncle.

She stated that she had had very little contact with the [redacted] in the last couple of years and she does not know any of their relatives or associates in Nashville, Tennessee. She stated that while [redacted] resided at her residence, he wore his hair long and had a beard. She has had tenants living in her home for about the last twenty years since her husband died.

Interviewed on 12/1/71 at Gallatin, Tennessee File # Jacksonville 164-103  
Memphis 164-76  
by SA [redacted] 8 Date dictated 12/6/71

ME 164-76

IV.. CIVIL ACTIONS FILED WITH U. S. DISTRICT  
COURT, MIDDLE DISTRICT OF TENNESSEE,  
NASHVILLE, TENNESSEE, AND RELATED  
COMMUNICATIONS



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MRS. BRENT QUINTON DOWNS and  
ANDREW ARTHUR DOWNS, 622 Paces  
Ferry Road, Nashville, Tennessee

SUSAN GERMAINE GIFFE and  
MAJOR AND MRS. JOSEPH S. LAKICH,  
4122 Moss Rose Drive, Nashville,  
Tennessee

BIG BROTHERS AIRCRAFT, INC. and  
M. P. BROTHERS, JR., Metropolitan  
Airport, Nashville, Tennessee

Petitioners

v.

UNITED STATES OF AMERICA

Respondent:

CIVIL ACTION NO. 6348

FURTHER OPPOSITION OF THE UNITED STATES  
TO PETITIONERS' PETITION TO PERPETUATE EVIDENCE

INTRODUCTION

On November 11, 1971 this Court granted in part and denied in part the petitioners' petition to perpetuate evidence. The denial pertained to items of tangible evidence which were sought. The granting was not truly such, since "neither the petition nor the proposed order submitted by petitioners sets forth with requisite specificity the substance of the testimony sought to be elicited." Such a showing is required under Rule 27(a)(1)5, in order that the court may specify the subject matter of any oral or written examination as required by Rule 27(a)(3), which has not been done to date.

Petitioners transmitted certain written interrogatories to the Court and to respondent United States by their attorney's letter of November 22, 1971. The question now before the Court is whether it should order the United States to answer those interrogatories. The United States submits that the Court should not so order for the reasons set forth hereafter.

This Further Opposition is also supported by the attached affidavits of Neil R. Peterson, John Briggs, Francis A. Burns, Jr., James J. O'Connor, James A. McBride, Dalton L. Mayo, George H. Murphy, John R. Saalfeld, and Roger A. Myers.

#### DISCUSSION

##### I

#### SUPPLEMENTAL OPPOSITION

The United States will not burden the Court with a reiteration of the argument made in its Supplemental Opposition filed herein on November 4, 1971. However, it does desire merely to restate to and re-urge upon this Court its original position that a mere delay in time before suit can be brought, alone, is an insufficient showing of a reason to perpetuate testimony as required by Rule 27(a)(1)3 if that subsection is not merely to be held a meaningless restatement of the provisions of Rule 27(a)(1)1. This is especially so in the instance of the Federal Tort Claims Act where there is a legislatively mandated six month delay between accident and suit to permit administrative adjudication without necessity of resort to formal court proceedings (28 U.S.C. 2675). To hold otherwise would be to emasculate the patent legislative

intent, and, we submit, an abuse of discretion on the part of the Court.

For the remainder of its substantive opposition to the petition, the United States respectfully refers this Court to its aforesaid Supplemental Opposition.

## II

### JACKSONVILLE ORDER

A certified copy of an Order of the United States District Court for the Middle District of Florida, Jacksonville Division in the case of United States of America v. Bobby Wayne Wallace, No. 71-212-Cr-J entered November 1, 1971 by Judge Tjoflat is attached as Exhibit D to the Supplemental Opposition of the United States. Finding that the testimony and tangible evidence sought in this Petition "is germane (sic) to this criminal case" (Paragraph 4), and that "[t]he improper and uncontrolled disclosure of the evidence in this case may well result in publicity of the sort that would deny the defendant or the people a fair trial" (Paragraph 6), the court there ordered, in pertinent part:

1. All Government agents and employees, including, specifically, Federal Bureau of Investigation agents and Federal Aviation Administration employees, are prohibited from making any statement to any non-federal government person regarding the events set out in and surrounding the criminal indictment in this case.

2. No party to this case or counsel or agent therefor shall reproduce any governmental documents and other material pertaining to this case, or disclose the contents thereof, except as authorized by Order of this Court.

3. No party to this case or counsel or agent therefor shall make or issue any public statement, written or oral, regarding the evidence in this case except as authorized by Order of this Court.

It is the position of the United States that the aforesaid Order of Judge Tjoflat prohibits it from making any answers at this time to the interrogatories submitted by petitioners. First, the persons to whom the interrogatories are addressed cannot communicate their answers to other than Government counsel (Item 1 of Order). Second, Government counsel is himself precluded from filing any answers to the interrogatories which are communicated to him (Items 2 and 3 of Order).<sup>1/</sup>

As is the case with Judge Tjoflat, the United States is grievously concerned with pre-trial publicity and the effect such publicity might have on the criminal case in Jacksonville. This Court, by virtue of its position in this case cannot help but be aware of the publicity generated by this matter.<sup>2/</sup> Some of it has been generated by one or more of the petitioners herein and/or by their

---

1/ The United States takes the position that Judge Tjoflat's Order applies to Special Agent Roger A. Myers of Nashville and to Neil R. Peterson, attorney for the United States, even though they are not physically within the Middle District of Florida, since the jurisdiction in criminal cases of a United States District Court is general and not limited as in civil cases.

2/ It is appropriate for the Court to take judicial notice of the publicity in Nashville. Moreover, this Court is aware that certain "confidences" have been violated in this matter prior to this time. See also the affidavits of John Briggs, United States Attorney at Jacksonville, attached hereto, and Paragraph 4 of the affidavit of Neil R. Peterson attached as Exhibit A to the United States' Supplemental Opposition for further indications of publicity on a nationwide basis in this matter.

attorneys. And, some of it has attained practically a carnival aura. We submit that this additional reason alone mandates this Court to deny the petition in its entirety.

### III

#### ALTERNATIVE SUGGESTION

It is the view of the United States that the petition herein unwarrantedly forces this Court into an extremely delicate position. First, if it grants the remaining portion of the petition and orders the interrogatories answered, its order will be in direct and clear conflict with Judge Tjoflat's Order entered in the criminal case. Such would either mean that this Court's Order would have to be construed as ineffective or as subjecting Government employees to criminal contempt. Second, if this Court does order the interrogatories answered, its order would be a "final" one for purposes of appeal under 28 U.S.C. 1291. Mosseller v. United States, 158 F.2d 380 (C.A. 2, 1946); Todd Engineering Dry Dock & Repair Co., Inc. v. United States, 32 F.2d 734 (C.A. 5, 1929). Thus, there is little chance that an affirmative order by this Court would give petitioners the relief they seek prior to the time when they would be entitled to file suit under the Federal Tort Claims Act. Third, if this Court denies the relief sought, it will be concerned that otherwise available testimony would be lost.

The United States, apparently unlike petitioners, has no desire to confornt this Court with such dire alternatives. Accordingly, it suggests to the Court the following action as a middle ground.

This Court, in its Order of November 11, 1971,

held:

With regard to the latter category [tangible evidence], the United States has agreed to preserve the items sought, and certain exhibits attached to the United States' "Supplemental Brief in Opposition to Petition to Perpetuate Evidence" indicate that the necessary steps have been taken to insure that these items will, in fact, be preserved. It follows that the policy of Rule 27 will not be served by allowing petitioners to gain access at this time to the items of tangible evidence they seek.

It is obvious that both the petitioners and this Court are concerned lest the answers of the employees to whom the interrogatories are directed not be available when suit can be filed in this matter. Basically, what the United States has done is insured that the answers of its employees are now a matter of tangible evidence in its file. See the affidavits of Messrs. Peterson, Burns, O'Connor, McBride, Mayo, Murphy, Saalfeld and Myers.

In fact, as the aforesaid affidavits indicate, all factual material set forth in the answers of the affiants was already contained in extant documents of the FBI, which the United States has already indicated will be preserved.<sup>3/</sup> And, each FBI employee to whom interrogatories were addressed has sworn that the answers he has given are true and correct. Thus, the written answers supplied

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<sup>3/</sup> There are but two exceptions to this statement, each of which involves the answer of one employee to one question. However, these two supplementary bits of information are now a matter of record in the FBI files since the answers of each agent and/or employee is now included in the official files of the FBI.

would be capable of being used as evidence since the agents of the FBI have each sworn to their truth in the affidavits attached hereto. Similarly, all answers furnished by the available FAA employees<sup>4/</sup> have been incorporated in the FBI files and reiterate information already contained in those files. Thus, the United States has made the responses of each of its employees to the interrogatories a matter of tangible evidence which will be available when suit can be filed in this matter.

That being the case, the United States suggests to the Court that it now hold the answers to the interrogatories to be tangible evidence in this case which will be preserved and that there is therefore, consistent with this Court's earlier denial of access to tangible evidence by petitioners, no policy reason to be served under Rule 27 by allowing petitioners access to the answers at this time. To do so would insure that the evidence sought will be available to petitioners at the proper time, will remove any potential conflict between orders of this Court and the United States District Court

---

<sup>4/</sup> One employee, Mr. Bernard Sloan, is on extended leave in Europe. Written answers will be obtained from him as soon as he returns to the United States and will be incorporated in the files of the FBI, as will be confirmed by a supplemental affidavit by Special Agent Francis A. Burns, Jr. which will be filed with this Court at that time. See affidavit of Neil R. Peterson attached hereto.

in Jacksonville, will accord the criminal case its due priority, will avoid the possibility of subjecting Government employees to contempt proceedings, and will adequately ameliorate the delicate position in which the petition places this Court.

CONCLUSION

Accordingly, in view of the above, the United States submits that that portion of the application to perpetuate evidence which now remains before this Court should be denied by it at this time.

Respectfully submitted,

CHARLES H. ANDERSON  
United States Attorney

By:

Neil R. Peterson  
NEIL R. PETERSON  
Attorney  
U.S. Department of Justice  
Washington, D.C. 20530

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been served upon counsel of record for all parties at interest in this cause by placing same in the United States mail addressed to said counsel at his office.

This the 17<sup>th</sup> day of December, 1971  
Charles H. Anderson  
Assistant United States Attorney



ATTACHMENT 1

Mr. J. Edgar Hoover  
Director  
Federal Bureau of Investigation

DEC 10 1971

LPG:NRPeterson:hr  
157-71-148

L. Patrick Gray, III  
Assistant Attorney General  
Civil Division

Mrs. Brent Quinton Downs, et al. v.  
United States, U.S.D.C. M.D. Tenn.

Enclosed are copies of proposed interrogatories which have been filed in the above action.

There are two sets of interrogatories. The first (1-19) pertain to the Nashville Office of the FBI. The second (1-35) pertain to the Jacksonville Field Office of the FBI.

The Court has indicated that we should respond to the interrogatories by Friday, December 17, 1971. With that end in mind, we ask that you instruct your involved personnel to prepare individual responses to the interrogatories and communicate them to Mr. Neil R. Peterson of this office by no later than 5:00 p.m. Tuesday, December 14, 1971.

Since time will not permit the use of ordinary mailing for the responses, we ask that you have each of the personnel involved or some coordinator for them in each office communicate directly with Mr. Peterson by telephone. He may be reached on Area Code 202-739-3693. In the alternative, we ask that you have the responses of the individual agents teletyped to your Headquarters office and that copies of the teletypes be brought to Mr. Peterson by the stated time.

A copy of this memorandum is being forwarded directly to the Special Agents in Charge at Jacksonville, Florida and Memphis, Tennessee and to the Resident Agent in Charge at Nashville, Tennessee. We understand each of the stated offices already has

-2-

In its possession a copy of the proposed interrogatories.

Mr. Peterson has already communicated by telephone with Special Agent Frank Burns in Jacksonville and Special Agent O. Johnson in Memphis to advise them of the time limits involved so that they may begin immediate preparation for submitting responses.

We intend to file further objection to the interrogatories, but answers are needed in order to coordinate specific objections to the interrogatories with the Criminal Division.

Thank you for your cooperation and assistance.

Enclosure

cc: Special Agent in Charge  
Federal Bureau of Investigation  
U.S. Post Office and Courthouse Bldg.  
Jacksonville, Florida 32201

Special Agent in Charge  
Federal Bureau of Investigation  
Room 851, Federal Office Bldg.  
Memphis, Tennessee 38116

Resident Agent in Charge  
Federal Bureau of Investigation  
Room 357, U.S. Courthouse Bldg.  
P. O. Box 870  
Nashville, Tennessee 37203

ATTACHMENT 2

LPC:WRP:hr  
157-71-148

1261 0.1 323

Mr. George U. Carneal, Jr.  
General Counsel  
Department of Transportation  
Federal Aviation Administration  
Washington, D.C. 20590

Attention: Mr. Reid Tait

Re: Mrs. Brent Quinton Downs, et al. v.  
United States, U.S.D.C. E.D. Tenn.

Dear Mr. Carneal:

Enclosed are copies of proposed interrogatories which have been filed in the above action.

The second numbered set of interrogatories (1-46) pertain to FAA employees at Jacksonville, including, we assume, employees at both the Control Center and in the Tower. It is of utmost importance that we respond to the interrogatories with either objections or answers by Friday, December 17, 1971. With that end in mind, we ask that you instruct your involved personnel to prepare individual responses to the interrogatories and communicate them to Mr. Neil R. Peterson of this office by no later than 5:00 p.m. Tuesday, December 14, 1971. Since time will not permit the mailing of responses, please have each of the personnel involved or some coordinator for them communicate directly with Mr. Peterson by telephone. He may be reached on Area Code 202-739-3693. It would also be most helpful if interim responses could be communicated to him as they are obtained.

A copy of this letter together with a set of the interrogatories is being forwarded directly to the Control Tower and the Communication Center at Jacksonville.

Thank you for your cooperation and assistance.

Yours very truly,

L. PATRICK GRAY, III  
Assistant Attorney General  
Civil Division

By:

John G. Laughlin  
Chief, Torts Section

Enclosure

cc: Mr. James E. Pound  
Chief, Air Route Traffic  
Control Center  
P. O. Box 98  
811 E. Second Street  
Hilliard, Florida 32046 w/enc.

Mr. Carl R. Leavitt, Jr.  
Chief, Airport Traffic  
Control Tower  
Jacksonville International Airport  
P. O. Box 18346 AMF Branch  
Jacksonville, Florida 32229 w/enc.



LPG:NRP:hr  
157-71-148

DEC 24 1971

AIR MAIL

Gilbert S. Merritt, Esquire  
Gullett, Steele, Sanford,  
Robinson & Merritt  
Attorneys at Law  
Twenty-Third Floor  
Life & Casualty Tower  
Nashville, Tennessee 37219

Re: Administrative claim of Mrs. Brent Quinton  
Downs; Administrative claim of Susan Germaine  
Giffco; and Administrative claim of Big  
Brothers Aircraft, Inc.

Dear Mr. Merritt:

Reference is made to your letter of November 30,  
1971 pertaining to the above administrative claims.

Your letter encloses an administrative claim by  
Mrs. Brent Quinton Downs, signed by her, in the amount  
of \$1,500,000 dated November 26, 1971. Accordingly,  
the United States will have six months from that date  
for its consideration of the claim.

Your letter also encloses an administrative claim  
for Susan Germaine Giffco, signed by Joseph S. Lakich  
and Mrs. Joseph S. Lakich, in the amount of \$750,000  
dated November 26, 1971. We will treat the effective  
date of the claim as being November 26, 1971, although  
we do request that you send us a copy of any court  
document or order appointing Mr. and Mrs. Lakich as  
either the natural guardian or the guardian ad litem  
of Susan Germaine Giffco.

Administrative

- 2 -

Your letter also indicates you will forward an administrative claim for Big Brothers Aircraft, Inc. as soon as you obtain full details on the damage to the plane. We suggest that you transmit to us as soon as possible an administrative claim form executed by an appropriate official of Big Brothers Aircraft, Inc. This will enable us to begin our consideration of the claim. You may then submit additional supporting data as you receive it. However, please bear in mind that if the supporting data increases the amount of the claim which Big Brothers Aircraft, Inc. originally makes, we must consider the increase to be an amendment of the claim which will automatically commence the running of an additional six month period for administrative consideration.

In reference to your letter of November 11, 1971, we do not in any way dispute your entitlement to represent the claimants in this matter. However, our regulations specifically provide that where a claim is presented by an agent or legal representative, the claim must be accompanied by evidence of his authority to present the claim (28 C.F.R. 14.3(e)). Our letter of November 8, 1971 merely requested that you either furnish evidence of your authority to represent the claimants in making the administrative claims or that you have each claimant complete an administrative claim form. We assume you are pursuing the latter route, and, hence, the claims will be treated as presented from the date they are signed by the respective claimants. If you should have any further questions concerning this matter, Mr. Neil R. Peterson of this office who is handling the administrative claims, may be reached on Area Code 202-739-4393.

We hope to begin consideration on the merits of the Downs and Giffco claims in the near future and we

- 3 -

will do the same for the Big Brothers Aircraft, Inc.  
claim when it is received.

Yours very truly,

L. PATRICK GRAY, III  
Assistant Attorney General  
Civil Division

By:

John G. Laughlin  
Chief, Torts Section

cc: Mr. Ralph Culver  
Room 2217  
Criminal Division

Mr. Charles H. Anderson  
United States Attorney  
Nashville, Tennessee 37203

Mr. John L. Briggs  
United States Attorney  
Jacksonville, Florida 32201

ME 164-76

RESULTS OF CONTACT WITH U. S. ATTORNEY  
CHARLES H. ANDERSON, NASHVILLE, TENNESSEE

Photostatic reproductions of the civil actions contained in this report, which were filed in this case in the U. S. District Court, Middle District of Tennessee, Nashville, Tennessee, were made available by the U. S. Attorney's Office, Middle District of Tennessee, Nashville.



FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

JAN 7 1972

TELETYPE

Mr. Tolson \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Miller, ES \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Dalbey \_\_\_\_\_  
Mr. Cleveland \_\_\_\_\_  
Mr. Ponder \_\_\_\_\_  
Mr. Egan \_\_\_\_\_  
Mr. Walker \_\_\_\_\_  
Mr. Walters \_\_\_\_\_  
Mr. Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

b6  
b7C

NR011 ME PLAIN

8:48 PM NITEL 1-7-72 DBC

TO: DIRECTOR (164-2042)  
JACKSONVILLE (164-103)  
FROM: MEMPHIS (164-76) (1P)

GEORGE MALLORY GIFFE, JR., AKA (DECEASED);  
ET AL; CAA - HIJACKING; ETC. OO: JACKSONVILLE.

USA CHARLES ANDERSON, MDT, NASHVILLE, TENN.,  
THIS DATE ADVISED THERE HAVE BEEN NO FURTHER DEVELOPMENTS  
IN THIS CASE SINCE FILING OF AFFIDAVITS BY ATTORNEYS  
FOR PLAINTIFFS IN CIVIL ACTION THIS CASE.

ANDERSON ADVISED [REDACTED] DEPARTMENTAL  
ATTORNEY, IS IN PROCESS OF DETERMINING COURSE OF ACTION  
TO BE FOLLOWED BY GOVERNMENT AND NO DEFINITE DECISION  
HAS BEEN REACHED AT THIS TIME. ANDERSON STATED HE  
WOULD ADVISE IMMEDIATELY OF ANY DECISIONS OR NEW  
DEVELOPMENTS WHICH MAY OCCUR IN THIS CASE.

BUREAU AND JACKSONVILLE WILL BE PROMPTLY  
ADVISED OF ANY NEW DEVELOPMENTS IN THIS CASE. P.

END

57 JAN 17 1972

5 JAN 11 1972

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

JAN 7 1972

TELETYPE

Mr. Tolson	
Mr. Felt	
Mr. Rosen	
Mr. Mohr	
Mr. Bishop	
Mr. Miller, ES	
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Dalbey	
Mr. Cleveland	
Mr. Ponder	
Mr. Walters	
Mr. Soyars	
Tele. Room	b6
Miss Holmes	b7C
Miss Gandy	

NR008 AQ PLAIN

5:20PM NITEL 1/7/72 DJC

TO: DIRECTOR (164-2042)  
JACKSONVILLE (164-103)

FROM: ALBUQUERQUE (164-33) -P- 2P

GEORGE MALLORY GIFFE, JR. (DECEASED); [REDACTED] AKA, [REDACTED]  
ET AL, CAA - HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING  
A CONCEALED WEAPON, KIDNAPING, FTCA, OO: ALBUQUERQUE.

RE JACKSONVILLE NITEL TO DIRECTOR, JAN. SIX, LAST.

ALBUQUERQUE TELEPHONE NO. [REDACTED]

[REDACTED] SUBSCRIBED TO BY [REDACTED]

[REDACTED] ALBUQUERQUE, A PHYSICIAN WITH STUDENT  
HEALTH CENTER, UNIVERSITY OF NEW MEXICO. INDICES NEGATIVE ON  
[REDACTED] INQUIRY STUDENT HEALTH CENTER REFLECTS [REDACTED] AND  
FAMILY DEPARTED ALBUQUERQUE, DEC. FOURTEEN, LAST, TO SPEND HOLIDAYS  
AT RESIDENCE OF [REDACTED] MONTGOMERY, ALABAMA. UPON  
COMPLETION OF HOLIDAYS, [REDACTED] FAMILY WERE TO DEPART MONTGOMERY

END PAGE ONE

61 JAN 17 1972

REC-21

EX-104

164-2042-

304

5 JAN 11 1972

PAGE TWO AQ (164-33)

FOR MOTOR TRIP THROUGH NEW YORK AND OHIO, RETURNING TO ALBUQUERQUE,  
JAN. SEVENTEEN, NEXT. NO ADDRESS AVAILABLE FOR [REDACTED]  
MONTGOMERY; HOWEVER, A SOURCE IN POSITION TO FURNISH RELIABLE AND  
CONFIDENTIAL INFORMATION ADVISED INSTANT DATE THAT [REDACTED]

b6  
b7C  
b7D

FOR INFORMATION JACKSONVILLE, ABOVE SOURCE [REDACTED]

b7D

ATTEMPTS TO LOCATE AND INTERVIEW [REDACTED] AT MONTGOMERY,  
ALABAMA, BEING LEFT TO DISCRETION OF JACKSONVILLE.

b6  
b7C

JACKSONVILLE ADVISE ALBUQUERQUE WHETHER [REDACTED] SHOULD BE.  
CONTACTED UPON RETURN TO ALBUQUERQUE, JAN. SEVENTEEN, NEXT.

END

HOLD FOR TWO

REW

FBI WDC

(3)

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

JAN 11 1972

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Fonder	_____
Mr. Bates	18-89
Mr. Vailant	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	b6
Miss Holmes	b7C
Miss Gandy	_____

NR007 JK PLAIN

812PM NITEL 1-11-72 HER

TO DIRECTOR (164-2042)  
ALBUQUERQUE (164-33)  
MEMPHIS (164-76)

FROM JACKSONVILLE (164-103) 2 PAGES

GEORGE MALLORY GIFFE, JR., AKA PAREN DECEASED PAREN;

AKA; ET AL., CAA DASH HIJACKING, ETC. OO JK.

REAQTEL TO BUREAU AND JACKSONVILLE, JANUARY SEVEN LAST AND JACK-  
SONVILLE TELETYPE TO BUREAU, MEMPHIS, OKLAHOMA CITY, JANUARY TEN  
LAST.

ON THIS DATE, COMPREHENSIVE ANALYSIS OF CRIME SCENE AREA COM-  
PLETED. ADDITIONAL ENGINEER DRAWINGS OF JACKSONVILLE INTERNATIONAL  
AIRPORT AREA SECURED AS WELL AS RECENT AERIAL PHOTOGRAPHS OF SAID  
AREA FOR USE BY BUREAU EXHIBIT SECTION.

ON THIS DATE CONFERENCE HELD WITH USA BRIGGS, AUSA [REDACTED]  
EXHIBIT SECTION REPRESENTATIVE AND JACKSONVILLE CASE AGENT WITH  
DETERMINATION MADE AS TO EXHIBITS WHICH WILL BE REQUIRED FOR USE  
IN BOTH CRIMINAL AND CIVIL CASES IN THIS MATTER.

END PAGE ONE

EX-104

REC-35

164-2042-305

12 JAN 12 1972

58 JAN 18 1972

252

PAGE TWO

JK 164-103

b6  
b7C

EXHIBIT SECTION REPRESENTATIVE [REDACTED] TO DEPART JACKSONVILLE  
ABOARD EAL FLIGHT TWO FOUR TWO ON JANUARY TWELVE NEXT AT ONE TWENTY  
P. M. ARRIVING AT NASHVILLE ABOARD EAL SIX TWO FOUR AT THREE TWENTY-  
NINE P. M., NASHVILLE TIME.

MEMPHIS AT NASHVILLE REQUESTED TO MAKE SUITABLE RESERVATIONS  
FOR [REDACTED] COVERING NIGHTS OF JANUARY TWELVE AND THIRTEEN NEXT.

ALBUQUERQUE AT ALBUQUERQUE WILL UPON RETURN OF [REDACTED]

[REDACTED] SUBSCRIBER TO ALBUQUERQUE TELEPHONE NUMBER [REDACTED]

[REDACTED] CONDUCT IN DEPTH INTERVIEW

OF [REDACTED] RE HIS ASSOCIATION WITH SUBJECT GIFFE, THE NATURE  
OF HIS CONTACTS WITH GIFFE AND ANY KNOWLEDGE CONCERNING SUBJECT

[REDACTED]  
END

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>JACKSONVILLE</b>	OFFICE OF ORIGIN <b>JACKSONVILLE</b>	DATE <b>1/12/72</b>	INVESTIGATIVE PERIOD <b>10/7/71 - 1/4/72</b>	b6 b7C
TITLE OF CASE <b>GEORGE MALLORY GIFFE, JR., aka. (Deceased):</b> <b>[REDACTED] aka. ET AL</b>		REPORT MADE BY <b>SA [REDACTED]</b>	TYPED BY <b>-ppb</b>	
		CHARACTER OF CASE <b>CAA - HIJACKING, INTIMIDATION OF CREW MEMBERS, CARRYING A CONCEALED WEAPON; KIDNAPING; FTCA</b>		

REFERENCES:

Jacksonville report of SA [REDACTED] dated  
11/17/71;  
Memphis report of SA [REDACTED] dated 12/1/71.

- P -

ADMINISTRATIVE:

The Bureau and Memphis will note that this report will summarize all legal actions taken in the prosecution of [REDACTED] at Jacksonville, Florida. Jacksonville is preparing a separate report covering the results of investigation covering both the criminal and civil aspects of this matter.

ACCOMPLISHMENTS CLAIMED					<del>XX</del> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
							PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPROVED *Wm. J. [REDACTED]* SPECIAL AGENT IN CHARGE

## COPIES MADE:

- ⑧ - Bureau (164-2042) (RM)
- 2 - USA, Jacksonville  
(ATTN: AUSA [REDACTED])
- 4 - Memphis (164-76)  
(1 - USA, Nashville)
- 2 - Jacksonville (164-103)

DO NOT WRITE IN SPACES BELOW

164-2042-306 REC 44

18 JAN 14 1972

SI-112

SIAT SEAT

Dissemination Record of Attached Report		Notations
Agency	Request Recd.	
ICC [REDACTED]	ICC [REDACTED]	[REDACTED]
Date Fwd.	JAN 12 1972	
How Fwd.	1-FAH	
By	[REDACTED]	

70 JUL 7 1972

COVER PAGE

JK 164-103

Two copies of this report have been designated for the USA, Jacksonville, to provide sufficient copies for both the criminal and civil handling of this matter.

AUG 28 1972  
108  
XEROXED ORIGINAL-RECHIN  
103

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATIONb6  
b7CCopy to: 2 - USA, Jacksonville (ATTN: AUSA [REDACTED])  
1 - USA, NashvilleReport of: SA [REDACTED]  
Date: January 12, 1972

Office: JACKSONVILLE

Field Office File #: 164-103 Bureau File #: 164-2042

Title: GEORGE MALLORY GIFFE, JR. (DECEASED);  
[REDACTED]  
ET ALCharacter: CRIME ABOARD AIRCRAFT - HIJACKING, INTIMIDATION OF CREW  
MEMBERS, CARRYING A CONCEALED WEAPON; KIDNAPING; FEDERAL  
TORT CLAIMS ACT

## Synopsis:

On 10/7/71, attorneys for [REDACTED] filed a Motion for Witnesses and Discovery prior to preliminary hearing on 10/14/71. FGJ indictment of [REDACTED] eliminated the action on this motion. On 10/2/71, attorneys for [REDACTED] entered a Motion in the Middle District of Tennessee, Nashville Division, requesting leave to intervene in Big Brothers Aircraft, Inc. Vs. JOHN A. VOLPE, ET AL, and asked for amendment to USDC Order filed in Nashville on 10/8/71. Motion requested access to tapes and transcriptions involved in this matter. On 10/12/71, USDJ FRANK GRAY, JR., USDC, Nashville, entered an Order stating that an accused in one jurisdiction could not intervene in a civil action in another jurisdiction in view of fact that accused would not receive the same material in the original jurisdiction. On 10/20/71, attorneys for [REDACTED] advised USDJ GERALD B. TJOFLAT, Jacksonville, that they were willing to enter into Omnibus Hearing Project. On 11/9/71, attorneys for [REDACTED] called filed a Motion For Extension of Time to File Motions which was granted in an Order filed by USM JOSEPH W. HATCHETT, on the same date, at Jacksonville, Fla.. On 11/30/71, attorneys for [REDACTED] filed Motion To Dismiss Indictment, Brief in Support Of Motion To Dismiss Indictment, Motion For Transfer, Memorandum In Support Of Motion For Transfer, Affidavit In Support of Motion For Transfer, Affidavit from [REDACTED] Motion For Bill Of Particulars, Motion For Order Permitting and Directing Interview of Federal Bureau of Investigation Agents, Motion For Production Of Grand Jury Minutes And Witness Statements, Motion For List Of Witnesses, Motion To Inspect And Copy Or Photograph Documents and Notice as to purpose of filing such motions.



JK 164-103

Synopsis (Cont'd)

On 12/10/71, USA, Jacksonville, filed a Response To Defendant's Motion For Transfer at Jacksonville, Fla., In support of this Response, Affidavits were submitted by AUSA [redacted] SA [redacted] ASAC [redacted] On 12/14/71, USDJ GERALD B. TJOFLET, USDC, MDF, Jacksonville, Fla., entered an Order which denied [redacted] Motion For Transfer. On 12/23/71, attorneys for [redacted] filed a Motion For Rehearing Of Motion For Transfer. On 12/21/71, Chief USDJ WILLIAM MC RAE, MDF, Jacksonville, Fla., entered an Order setting the trial of [redacted] for 1/17/72. On 1/4/72, USA, Jacksonville filed a Motion For Continuance citing the fact that the defendant's Motion For A Rehearing on Motion For Transfer was still pending and therefore, Omnibus Project could not be accomplished prior to date of trial. On 1/4/72, attorneys for [redacted] filed Motion For Continuance citing prior scheduled trials involving [redacted] attorneys in conflict with set trial date of [redacted] On 1/4/72, Chief USDJ WILLIAM MC RAE, MDF, Jacksonville, Fla., entered Order continuing trial of [redacted] until further Order of the Court.

b6  
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- P -

TABLE OF CONTENTS

	PAGE
I. MOTION FOR WITNESSES AND DISCOVERY, FILED ON 10/7/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	6
II. MOTION TO INTERVENE AND FOR AMENDMENT TO ORDER, FILED ON 10/12/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE, NASHVILLE .....	7
III. ORDER FILED BY U.S. DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE, NASHVILLE, ON 10/12/71, BY U.S. DISTRICT JUDGE FRANK GRAY, JR. ....	8
IV. NOTICE TO U.S. DISTRICT JUDGE GERALD B. TJOFLAT, US. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE; BY [REDACTED] ATTORNEYS RE OMNIBUS PROJECT, FILED 10/21/71 .....	9
V. MOTION FOR EXTENSION OF TIME TO FILE MOTIONS FILED 11/9/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	10
VI. ORDER ON MOTION FOR EXTENSION OF TIME TO FILE MOTIONS FILED 11/9/71, BY U.S. MAGISTRATE JOSEPH W. HATCHETT, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	11
VII. MOTION TO DISMISS INDICTMENT FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	12
VIII. BRIEF IN SUPPORT OF MOTION TO DISMISS INDICTMENT FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	13
IX. MOTION FOR TRANSFER FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE ....	14
X. MEMORANDUM IN SUPPORT OF MOTION FOR TRANSFER FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	15

b6  
b7C

XI.	AFFIDAVIT IN SUPPORT OF MOTION FOR TRANSFER FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	16
XII.	AFFIDAVIT OF [REDACTED] AND [REDACTED] [REDACTED] FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	17
XIII.	MOTION FOR BILL OF PARTICULARS FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	18
XIV.	MOTION FOR ORDER PERMITTING AND DIRECTING INTERVIEW OF FEDERAL BUREAU OF INVESTIGATION AGENTS FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	19
XV.	MOTION FOR PRODUCTION OF GRAND JURY MINUTES AND WITNESS STATEMENTS FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE ....	20
XVI.	MOTION FOR LIST OF WITNESSES FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	21
XVII.	MOTION TO INSPECT AND COPY OR PHOTOGRAPH DOCUMENTS FILED 11/30/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	22
XVIII.	NOTICE FILED U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE, 11/30/71 .....	23
XIX.	RESPONSE TO DEFENDANTS MOTION FOR TRANSFER FILED 12/10/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	24
XX.	AFFIDAVIT OF AUSA [REDACTED] FILED 12/10/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	25
XXI.	AFFIDAVIT OF SA [REDACTED] FILED U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE, 12/10/71 .....	26
XXII.	AFFIDAVIT OF ASAC [REDACTED] FILED U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE, 12/10/71 .....	27
XXIII.	ORDER OF U.S. DISTRICT JUDGE GERALD B. TJOFLAT FILED 12/14/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	28

b6  
b7c

XXIV.	MOTION FOR REHEARING OF MOTION FOR TRANSFER FILED U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE, 12/23/71 .....	29
XXV.	ORDER OF CHIEF U.S. DISTRICT JUDGE WILLIAM A. MC RAE FILED 12/21/71, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	30
XXVI.	USA'S MOTION FOR CONTINUANCE FILED 1/4/72, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	31
XXVII.	DEFENDANT'S MOTION FOR CONTINUANCE FILED 1/4/72, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	32
XXVIII.	ORDER OF CHIEF U.S. DISTRICT JUDGE WILLIAM A. MC RAE FILED 1/4/72, U.S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE .....	33

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

MAGISTRATE'S DOCKET NO. 3

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

BOBBY WAYNE WALLACE,

Defendant.

COMPLAINT FOR VIOLATION OF

U.S.C. TITLE 18

SECTION 1201 AND 1202

CASE NO. 71-770

FILED  
JACKSONVILLE, FLA.  
OCT 7 1971  
WESLEY R. THIES  
CLERK

MOTION FOR WITNESSES AND DISCOVERY

Pursuant to applicable rules of procedure, and the Due Process Clause of the United States Constitution, the Defendant, BOBBY WAYNE WALLACE, by and through his undersigned attorney, respectfully moves for an Order directing the United States Attorney, For the Middle District of Florida, to furnish the Defendant with the following requested items prior to the preliminary hearing scheduled for October 14, 1971, at 10:00 o'clock A.M. In order to enable said Defendant to prepare for said preliminary hearing and to have time to subpoena the necessary and essential witnesses for said preliminary hearing:

1. To permit the Defendant to inspect and copy and/or furnish the Defendant with any written or recorded statements allegedly made by the Defendant that are within the possession, custody and control of the government.

2. To permit the Defendant to inspect, listen to, and copy all tape or electronic recordings of radio transmissions between Hawk Commander Aircraft, Serial #N 9058-N, and Federal Air Traffic Control Tower personnel and/or Federal Bureau of Investigation agents between Nashville, Tennessee, and Jacksonville, Florida, on October 4, 1971, and if not voluntarily produced, to order the Federal Aviation Administration to produce the same at a reasonable time prior to the preliminary hearing scheduled herein for October 14, 1971.

3. To furnish the Defendant with a transcript made by any Federal agency of the radio transmissions referred to in the aforesaid paragraph numbered 2.

4. To furnish the Defendant with copies of all purported suicide notes, letters or memoranda attributed to George Giffe, Jr., reportedly found in the automobile of the said George Giffe, Jr. in Nashville, Tennessee on October 4, 1971.

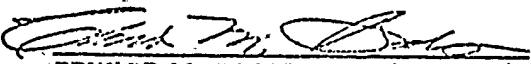
5. To furnish the Defendant with a list of the full names and correct addresses of all persons known to or believed by the government to be material and/or eye witnesses to the matters referred to in the complaint involved herein, including all witnesses in Nashville, Tennessee and all witnesses in Jacksonville, Florida.

6. To furnish the Defendant with a copy of all autopsy reports involved in this case.

7. To furnish the Defendant with a copy of all ballistics examinations within the possession, custody and control of the government.

8. To furnish the Defendant with copies of all photographs taken by agents of the Federal Bureau of Investigation during the investigation of this cause.

The requested matter is material and necessary to the preparation of the defense herein and will materially aid the Defendant in the preparation of his defense.

  
EDWARD M. BOOTH  
702 Florida Theatre Building  
Jacksonville, Florida 32202  
ATTORNEY FOR DEFENDANT

STATE OF FLORIDA     )  
COUNTY OF DUVAL    )

EDWARD M. BOOTH, being first duly sworn, deposes and says:

That he is the attorney for the Defendant herein; that the complaint herein fails to state with precision sufficient facts concerning the alleged offense sufficient

60

to enable him to prepare a defense to this charge; that the items sought in the foregoing Motion for Witnesses and Discovery are within the particular knowledge and possession of the United States Attorney and/or agents of the government and that it is essential to protect the rights of the accused that the Defendant be allowed to inspect, copy and be informed of all matters requested in the foregoing Motion for Witnesses and Discovery.

Barbara J. Benson

Notary Public, State of Florida at Large.

My Commission Expires: May 31, 1974

CERTIFICATE

I hereby certify that a copy of the foregoing has been furnished to the Honorable John Briggs, United States Attorney, Federal Building, Jacksonville, Florida 32202, by hand delivery this 29 day of October, 1971.

John Briggs

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

NASHVILLE DIVISION

FILED

OCT 12 1971

BRANDON LEWIS, Clerk

BIG BROTHERS AIRCRAFT, INC. )

V. )

JOHN A. VOLPE, ET AL )

NO. 6322

M O T I O N

Bobby Wayne Wallace moves the Court for leave to intervene herein and for an amendment to the Order filed in this cause on the 8th day of October, 1971, and as grounds therefor states:

(1) That he has been charged with a federal offense arising out of the events of October 4, 1971, which events also formed the basis of this action;

(2) That access to the tapes involved in this cause are vital to insure his right to a fair and impartial trial on his federal charge, such right being at least as important as the rights of the plaintiffs asserted in this action;

(3) That the interest of justice requires that this motion to intervene be allowed and that after such intervention the above described order issued in this cause be amended to include a paragraph in substance as follows:



It is ORDERED, further, that counsel for intervenor, Bobby Wayne Wallace, be allowed access to hear, copy and transcribe the original recording tapes under the supervision of FAA personnel at the installations indicated above or at some central location, if the defendants collect the transcription. A copy of this order, as amended, shall be served on the United States Attorney for the Northern District of Florida.

WHEREFORE, Bobby Wayne Wallace respectfully requests that the Court grant his motion to intervene in this cause and after such intervention amend the above described order in substance as requested above.

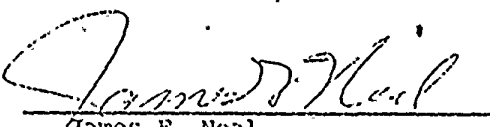
Respectfully submitted,

Edward Booth, James F. Neal,  
Larry D. Woods and Charles W.  
Bone, Counsel for Bobby Wayne  
Wallace

BY 

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion has been served on the Honorable Charles H. Anderson, United States Attorney for the Middle District of Tennessee, Honorable Gilbert S. Merritt, Jr., Honorable Thomas W. Steele and Honorable Jack Butler, attorneys for plaintiffs, this 12<sup>th</sup> day of October, 1971.

  
James F. Neal

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RECEIVED FOR ENTRY

OCT 12 1971

BRANDON LEWIS, Clerk

BIG BROTHER AIRCRAFT, INC. ]

VS. ]

CIVIL NO. 6322

JOHN A. VOLPE, ET AL. ]

ORDER

This involves a motion to intervene in the instant proceeding, filed by Bobby Wayne Wallace, who asserts "[t]hat he has been charged with a federal offense arising out of the events of October 4, 1971, which events also formed the basis of this action; [and] [t]hat access to the tapes involved in this cause are [sic] vital to insure his right to a fair and impartial trial on his federal charge. . . ." Accordingly, he has filed the instant motion, seeking to be allowed to intervene as a party plaintiff in this proceeding and ultimately to be given access to the aforesaid tapes as have the plaintiffs herein. This court is of the opinion that his motion to intervene is not well taken.

This action was brought under the provisions of 28 U.S.C. § 1651(a), the language of which is as follows:

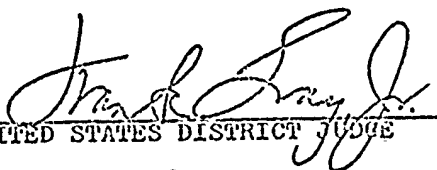
"The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

By its clear language, this provision does not contemplate the

situation of the instant movant. As this court judicially notices, movant is charged with no offense within this judicial district, and he is not otherwise prospectively involved in any proceedings in this court. It is thus manifest that any relief issued in this case would not, insofar as this movant is concerned, be "in aid" of this court's jurisdiction, as provided in the statute.

Reduced to its simplest terms, this motion to intervene turns upon the answer to the following question: Can one accused of a federal offense in another jurisdiction intervene in a civil proceeding in which he has no interest to compel the production of items in the Government's control which may have a bearing upon his case? Clearly, movant could not succeed in compelling the production of the tapes if he initiated a civil action of his own in the district in which he is accused, and equally clearly he cannot compel their production as intervenor in a civil action in this jurisdiction.

It follows that movant's motion to intervene herein must be DENIED, and it is so ORDERED.

  
UNITED STATES DISTRICT JUDGE

- 82

27

RECEIVED BY  
U. S. ATTORNEY  
MID. DISTRICT OF FLORIDA

OCT 21 1971

JACKSONVILLE

Honorable Gerald Bard Tjoflat  
Judge, United States District Court  
Middle District of Florida  
Jacksonville, Florida 32201

Re: United States vs. Bobby Wayne Wallace Case No. 71-212-Cr-I

- (X) I have discussed the Omnibus Hearing Project with my client and wish to inform the Court that we do desire to participate.
- ( ) I have discussed the Omnibus Hearing Project with my client and wish to inform the Court that we do not desire to participate.
- (X) If the government attorney advises that he is willing to participate in the Omnibus Hearing Project, I will promptly make arrangements with him for a mutually satisfactory time to hold the conference of counsel within the period specified in the note received from the Clerk of the Court.

JAMES F. NEAL	EDWARD M. BOOT
8th Floor, Third	702 Florida Theatre
National Bank Bldg.	Jacksonville, Florida
Nashville, Tennessee	

BY: [Signature]  
Attorneys for Defendant

Date: October 29, 1971

cc; Honorable Joseph W. Hatchett, Magistrate  
Harvey E. Schlesinger  
(Assistant) United States Attorney  
Clerk, United States District Court

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

NOV 3 1971  
JACKSONVILLE

UNITED STATES OF AMERICA )

-VS- )

BOBBY WAYNE WALLACE )  
----- )

NO. 71-212-Cr-J

FILED  
JACKSONVILLE, FLA.  
NOV 3 - 1971

WESLEY R. THIES  
CLERK

MOTION FOR EXTENSION OF TIME TO FILE MOTIONS

BOBBY WAYNE WALLACE, Defendant herein, by his undersigned attorneys, moves this Honorable Court to extent the time for filing motions herein, including the time for filing motions to dismiss the Indictment and motions for change of venue and transfer of this cause from November 12, 1971, until November 30, 1971, upon the grounds that the complexities of this case require further investigation by attorneys for the Defendant, the results of which investigation are material and necessary to a determination of the motions to be filed herein on behalf of said Defendant. It is respectfully submitted that the time requested is reasonable under the circumstances and will not delay the trial of this cause as the defense and the government have consented to Omnibus discovery proceedings herein.

Respectfully submitted,

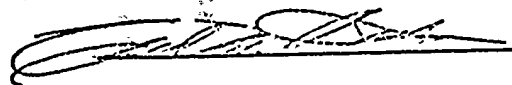
EDWARD M. BOOTH  
702 Florida Theatre Building  
Jacksonville, Florida 32202

JAMES F. NEAL  
Third National Bank Building  
8th Floor  
Nashville, Tennessee 37219  
ATTORNEYS FOR DEFENDANT

BY: 

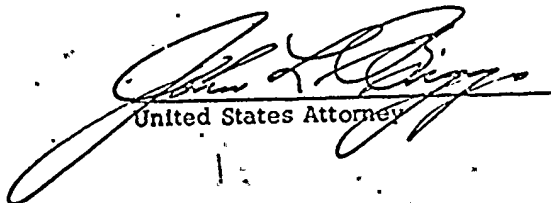
CERTIFICATE

I hereby certify that a copy of the foregoing Motion for Extension of Time to File Motions has been furnished to the Honorable John L. Briggs, United States Attorney, Post Office Box 59, Jacksonville, Florida 32201, by mail delivery this 3<sup>rd</sup> day of November, 1971.



CONSENT

The undersigned, United States Attorney for the Middle District of Florida, hereby consents to the foregoing Motion for Extension of Time to File Defense Motions in the above styled case.



United States Attorney

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA )

-VS- )

BOBBY WAYNE WALLACE )  
-----

NO. 71-212-Cr-I

FILED  
JACKSONVILLE, FLA.  
NOV 9 - 1971  
WESLEY R. THIES  
CLERK

ORDER ON MOTION FOR EXTENSION OF TIME TO FILE MOTIONS

Defendant's Motion for Extension of Time to File Motions herein having been considered by the Court and the government, through the United States Attorney, having consented to said Motion and the entry of this Order, it is

ORDERED AND ADJUDGED that the time for the Defendant to file motions, including motions to dismiss the Indictment and motions for change of venue and transfer of this cause, be and the same is hereby extended to November 30, 1971.

DONE AND ORDERED at Jacksonville, Florida, this 9th day of November, 1971.

  
UNITED STATES MAGISTRATE

Copies To:

Honorable John L. Briggs  
United States Attorney  
Post Office Box 59  
Jacksonville, Florida 32201

Edward M. Booth, Esquire  
702 Florida Theatre Building  
Jacksonville, Florida 32202

James F. Neal, Esquire  
Third National Bank Building  
8th Floor  
Nashville, Tennessee 37219

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

U. S. DISTRICT COURT  
NOV 30 1971

JACKSONVILLE

UNITED STATES OF AMERICA )

VS. )

BOBBY WAYNE WALLACE )

NO. 71- 212 - Cr-J

MOTION TO DISMISS INDICTMENT

The defendant moves that the indictment be dismissed on the following grounds:

1.

As to Count One, Count Two, and Count Four, the court is without jurisdiction and venue because the offense if any is cognizable only in the Middle District of Tennessee since these were not continuing offenses and were not completed in the Middle District of Florida.

2.

Furthermore, as to Count One, the indictment does not state facts sufficient to constitute an offense against the United States since a specific reason within the meaning of "or otherwise" is not set forth.

3.

Furthermore, as to Count Two, the indictment does not state an offense against the United States since the Hawk Commander was not within the special aircraft jurisdiction of the United States.

4.

Furthermore, as to Count Four, the indictment does not state

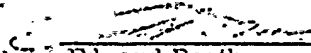


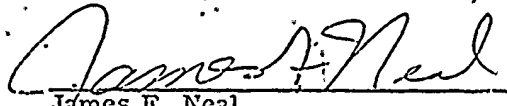
an offense against the United States since the Hawk Commander was not an aircraft being operated by an air carrier in air transportation.


5.

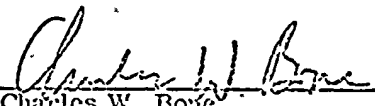
As to the entire indictment in that solely and only hearsay evidence was presented to the grand jury that returned the indictment.

WHEREFORE, defendant respectfully demands that the indictment be dismissed.

  
Edward Booth  
Florida Theatre Building  
Jacksonville, Florida

  
James F. Neal  
Third National Bank Building  
Nashville, Tennessee

  
Larry D. Woods  
2315-21st Avenue, South  
Nashville, Tennessee

  
Charles W. Bone  
Goodall Building, Court Square  
Gallatin, Tennessee

CERTIFICATE OF SERVICE

I hereby certify that a copy hereof has been furnished  
to the United States Attorney for the Middle District of Florida,  
Post Office Box 59, Jacksonville, Florida, by hand delivery  
this 30th day of November, 1971.



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

RECEIVED  
U. S. ATTORNEY  
DISTRICT OF FLORIDA

NOV 30 1971

JACKSONVILLE

UNITED STATES OF AMERICA )

VS. )

BOBBY WAYNE WALLACE )

NO. 71- 212 - Cr-J

BV  
BRIEF IN SUPPORT OF  
MOTION TO DISMISS INDICTMENT

I. The Failure of the Indictment to Specify "Or Otherwise" Voids  
Count One of the Indictment

An indictment must advise the defendant of the nature and cause of the accusation, Wong Tai v. United States, 273 U.S. 77 (1927), and contain an averment of every essential element of the alleged offense in such form that the defendant may understand what he is called upon to defend. United States v. Debrow, 203 F.2d 699 (5th Cir.), rev'd on other grounds, 346 U.S. 374 (1953). These elements must be set forth with sufficient clarity and particularity to enable the defendant to prepare his defense. Clay v. United States, 218 F.2d 483 (5th Cir. 1955).

Count One of the indictment in this case charges the defendant with the offense of kidnapping (18 U.S.C. §1201). Section 1201 sets forth three elements that comprise the offense:

- (1) knowingly transporting;
- (2) unlawfully seizing;
- (3) and holding for ransom or reward or otherwise.

Count One of the indictment recites these bare allegations but makes no attempt to clarify or particularize the meaning of "carried away and

held for...or otherwise." It is impossible for the defendant to understand this allegation of an essential element and accordingly impossible for the defendant to prepare his defense.

In United States v. Varner, 283 F.2d 900 (7th Cir. 1961), the Court of Appeals in a kidnapping case where the indictment alleged "for ransom or reward or otherwise" held that the words "or otherwise" without any attempt to specify or clarify are meaningless and reversed the conviction. The court further held that if the government relies on "or otherwise", then the indictment must allege a specific reason within the meaning of "or otherwise".

II. Count Two of the Indictment is Void Since the Aircraft Was Not Within the Special Aircraft Jurisdiction of the United States

Count Two of the indictment charges the defendant with a violation of 49 U.S.C. §1472(i) (air piracy). Subsection two of the statute of aircraft piracy as the seizure or exercise of control "of an aircraft within the special aircraft jurisdiction of the United States." The offense alleged in Count Two is not within said special aircraft jurisdiction and therefore, Count Two fails to state an offense.

48 U.S.C. §1472(i) was amended in 1970 by Public Law 91-449:

(3) Subsection 902 (i), (j) and (k) of such Act (49 U.S.C. 1472 (i), (j), and (k) ) are amended by deleting the words "in flight in air commerce" wherever they appear in those subsections and substituting therefor the words "within the special aircraft jurisdiction of the United States."

Section one of Public Law 91-449 amended section 101 of the Federal Aviation Act of 1958 (49 U.S.C. §1301) to define "special aircraft jurisdiction" as any aircraft in the United States "while in flight:"

For the purpose of this definition, an aircraft is considered to be in flight from the moment when power is applied for the purpose of takeoff until the moment

when the landing run ends.

There can be little question that this definition also applies to 49 U.S.C. §1472(i) as the Senate Committee report that accompanied Public Law 91-449 states:

The effect of the amendments is to extend the criminal provisions to all aircraft within the special aircraft jurisdiction of the United States as defined by the amended section 101. (Emphasis added.)

At the time of the alleged highjacking at the Big Brothers Terminal in Nashville, Tennessee, the Hawk Commander was not in flight (as defined above) and therefore, 49 U.S.C. §1472(i) cannot be applied to this incident. This position is strengthened by reference to the Congressional history of the original 1961 air piracy statute.

First, the 1970 amendment worked no change so far as the "in flight" meaning of the air piracy statute. The 1970 amendment only substituted the phrase "special aircraft jurisdiction" for the 1961 phrase of "in flight in air commerce" (emphasis added). Senate Report No. 91-1083 (Committee on Commerce), 1970 U. S. Code Congr. Adm. News, p. 3997. In fact the only purpose of the 1970 amendment was to implement certain provisions of the Tokyo Convention for reasons of uniformity. Id at 3996.

Second, the intent of Congress in the air piracy statute was to cover only crimes committed in flight, not crimes committed on the ground. This is clear not only from the wording of the statute but also from the legislative history found in House Report No. 958 (Committee on Interstate and Foreign Commerce), 1961 U. S. Code Congr. Adm. News, p. 2563, 2563-2566:

It is true that, in the case of crimes committed in the airspace over States of the United States, most of the acts with which this legislation deals would be violations of the laws of one or more of such States. However, crimes committed in the airspace over a State pose peculiar and extremely troublesome problems of enforcement which are not present when such crimes take place on the ground. When a criminal moves the scene of his activity to an aircraft in flight he is able to take advantage of practical and physical difficulties that may seriously impair effective apprehension and prosecution...

The need for additional Federal legislation covering crimes committed aboard aircraft in flight has long been recognized...

Few of our present laws were designed specifically to meet the unique problems involving unlawful acts committed aboard aircraft in flight.

... It should be pointed out that the reported bill, except for the provision relating to concealed deadly or dangerous weapons, covers only offenses committed while an aircraft is in flight. In flight means from that point on the runway where the aircraft leaves the ground to that point on the landing runway where the aircraft touches down, and does not apply to acts committed on an aircraft on the ground. (Emphasis added.)

Since 49 U.S.C. §1472(i) only includes offenses committed while in flight, Count Two of the indictment fails to state an offense against the United States.

### III. Count Four of the Indictment Is Void Since the Aircraft Was Not An Air Carrier in Air Transportation

Count Four of the indictment charges the defendant with a violation of 49 U.S.C. §1472(i). Subsection (i) of §1472 was not involved in the 1970 amendment discussed supra. Instead the operative description in subsection (i) has always differed from the other offenses set out in §1472. Instead of "aircraft in flight in air commerce" or "aircraft in the special aircraft jurisdiction of the United States", subsection (i) covers only "an aircraft being operated by an air carrier in air transportation." Thus, for purposes of this count, it is irrelevant

whether the airplane was in flight or not, so long as it was an air carrier in air transportation:

It is to be noted that this section applies in the case of an aircraft being operated 'by an air carrier in air transportation' in contrast to certain other subsections being added to section 902 by this legislation, which apply in the case of 'aircraft in flight in air commerce.' Thus, this subsection would be limited to aircraft being used in air carrier commercial operations, whereas these other subsections would apply also in the case of private aircraft. On the other hand, while these other subsections will apply only while the aircraft is 'in flight' subsection (1) will apply to an aircraft if it is 'being operated by an air carrier in air transportation', even though the aircraft is not 'in flight.' House Report No. 958 (Committee on Interstate and Foreign Commerce), 1961 Code Congr. Adm. News, p. 2575.

The Hawk Commander alluded to in Count Four was not a commercial flight as required by 49 U. S. C. §1472(i) and therefore Court Four should be dismissed.

IV. The Entire Indictment Should Be Dismissed Since the Grand Jury Heard Only Hearsay Evidence

Costello v. United States, 350 U. S. 359 (1956) held that an indictment by a duly constituted and properly empaneled grand jury could be based solely on hearsay testimony. Since neither R. G. Crump nor Larry Reed testified before the grand jury, the conclusion is inescapable that the indictment in the present case was based solely on hearsay evidence.

The Costello decision has been severely questioned in several cases. The seminal case is United States v. Umans, 368 F.2d 725 (2nd Cir. 1966). In Umans the only evidence presented to the grand jury was the testimony of a government investigative agent who summarized portions of affidavits by the Internal Revenue officers who were allegedly offered bribes. The Internal Revenue officers were

available and were willing to cooperate. The Court of Appeals for the Second Circuit condemned this practice and criticized the Costello decision, Id at 730, but upheld the conviction. The court pointed out that the practice authorized by Costello allowed the prosecutor to avoid the defendant's right to utilize grand jury minutes to impeach prosecution witnesses at trial. The Uman's decision has been followed in several decisions. United States v. Leibowitz, 420 F.2d 39, 41-42 (2nd Cir. 1969); United States v. Arcuri, 405 F.2d 691, 692-694 (2nd Cir. 1968); United States v. Filippatos, 307 F. Supp 564 (S.D.N.Y. 1969); and United States v. Gramolini, 301 F. Supp. 39, 42-43 (D.R.I. 1969).

The policy considerations in this case are clear. The defendant is being deprived of his constitutional right to a grand jury hearing by the procedure in this case. The principal witnesses, Mr. Reed and Mr. Crump, were known to the government and were available to testify, yet were not called before the grand jury. Because of this procedure, the grand jury had no opportunity to observe demeanor; the grand jury was prevented from questioning the witnesses under oath; and the prosecutor can avoid the defendant's right to use grand jury minutes to impeach witnesses at trial:

Clearly, when there is no apparent reason to use hearsay--when direct witnesses are available and easily accessible--the defendant's right to utilize grand jury testimony to impeach at trial should not be obstructed, and an indictment based on such evidence should be quashed. Note, 43 N.Y.U. L. Rev. 572, 583 (1968).

For the above and foregoing reasons, the indictment should be dismissed.

Edward Booth

James F. Neale

Larry D. Woods

Charles A. Lane



CERTIFICATE OF SERVICE

I hereby certify that a copy hereof has been furnished  
to the United States Attorney for the Middle District of Florida,  
Post Office Box 59, Jacksonville, Florida, by hand delivery  
this 30th day of November, 1971.

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

RECEIVED BY  
S. ATTORNEY  
DISTRICT OF FLORIDA

NOV 30 1971

JACKSONVILLE

UNITED STATES OF AMERICA )

VS. )

BOBBY WAYNE WALLACE )

NO. 71- 212 - Cr-J

MOTION FOR TRANSFER

Now comes the defendant, Mr. Bobby Wayne Wallace, by his attorneys and pursuant to Rule 21(b) of the Federal Rules of Criminal Procedure, shows the following:

1.

The vast majority of the witnesses in this case, including all of the principals, are located in the Middle District of Tennessee rather than in the Middle District of Florida or Jacksonville. On information and belief, the witnesses located in Florida are very few in number.

2.

All of the events leading up to the alleged commission of an offense and most of the events involved in the alleged commission of an offense occurred in Nashville, Tennessee.

3.

A substantial portion of the defense in this case will depend upon and will be involved with the defendant's background and character in Nashville and the county adjacent to Nashville, Sumner County,

Tennessee. There are numerous character witnesses residing in Nashville and Sumner County who would be available, if the trial was transferred to Nashville.

4.

The testimony of these witnesses is not only relevant and material, but is absolutely necessary to the defense of this case. The defendant's financial condition is such that if the trial is not transferred, then the attendance and testimony of these witnesses will be impossible.


WHEREFORE, for the convenience of the parties and witnesses and in the interest of justice, the defendant respectfully demands that these proceedings be ordered transferred to the United States District Court for the Middle District of Tennessee.

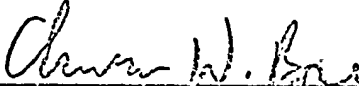
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Edward Booth  
Florida Theatre Building  
Jacksonville, Florida

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James F. Neal  
Third National Bank Building  
Nashville, Tennessee

  
Harry D. Woods  
2315-21st Avenue, South  
Nashville, Tennessee

  
Charles W. Bone  
Goodall Building, Court Square  
Gallatin, Tennessee

REC-17  
U. S. DISTRICT COURT  
NOV 20 1971

IN THE UNITED STATES DISTRICT COURT JACKSONVILLE  
FOR THE MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

UNITED STATES OF AMERICA )  
V. ) NO. 71-212-Cr-J  
BOBBY WAYNE WALLACE )

MEMORANDUM IN SUPPORT OF MOTION FOR TRANSFER (CN)

The chain of events upon which this indictment is based commenced in the Middle District of Tennessee and ended with the arrest of the defendant in Jacksonville, Florida. While venue may or may not lie in the Middle District of Florida with respect to all counts in this indictment, venue quite clearly is in the Middle District of Tennessee on all charges. It is to this latter district that defendant seeks to have this case transferred.

Rule 21(b) of the Federal Rules of Criminal Procedure provides that the Court may transfer one or more counts of an indictment to another district "for the convenience of parties and witnesses, and in the interest of justice." It is not necessary, under this rule, to establish the inability of the defendant to get a fair trial in the transferer district; this being a rule of convenience, it is enough if on balance it would be more convenient to more of the parties to transfer the cause to another district. United States v. Amador Casanias, 233 F. Supp. 1001 (D.C.D.C. 1964); United

States v. Cashin, 281 F.2d 669 (2d cir. 1960). This venue statute should be liberally construed so as to minimize inconvenience to a defendant.

Counsel for the defendant believe, however, that in this case even more is involved than a matter of inconvenience. Counsel submit that the trial of this matter in Jacksonville, Florida, some 700 miles away from defendant's home and away from the residence of most of the witnesses would make a full and fair defense virtually impossible.

Defendant is without funds even to retain counsel or to retain investigators much less transport witnesses from Nashville, Tennessee to Jacksonville, Florida. This Court appointed counsel to represent the defendant in this capital case immediately upon charges being placed against him. Defendant, insofar as he and his immediate family are concerned, remain available for court-appointed counsel.

It is true remote members of the defendant's family have retained counsel to represent him, but these contributors have no more funds to aid in this defense and no more funds to use to transport witnesses from the defendant's home to Jacksonville.

Defendant has attached to his motion an affidavit reflecting his financial condition, and the undersigned counsel represent to this Court they have undertaken investigation of the defendant's resources and further represent to the Court they believe defendant's affidavit is accurate.

Counsel for defendant are not speculating or guessing on the number of witnesses that would have to be transported

from Nashville and maintained in Jacksonville if this case were tried here. They have interviewed a number of witnesses, including those on the affidavit attached to the motion, and can state to the Court that in their belief trial of this cause without those witnesses would be a mockery. Thus, there will be approximately fourteen vital witnesses to be transported from Nashville to Jacksonville and maintained there for one or more days. (And this does not include witnesses as to the defendant's past record and character.) In addition, proper defense of this cause demands that defendant's unblemished past record and good character be established, in order that this record can be juxtaposed against the events of October 4, 1971. Counsel do not know what limit the Court would put on this category of witnesses in this capital case, but would assume the Court would not limit character witnesses in any capital case to less than ten. Assuming this to be true, at least twenty-four witnesses would have to be transported approximately seven hundred miles and maintained in Jacksonville for one or more days. The cost of transporting and maintaining these witnesses would be impossible for a defendant in the financial position of Bobby Wayne Wallace. Location of witnesses is a vital consideration in a motion under Rule 21(b). Jones v. Gaseh, 404 F.2d 1231, 1240 (D.C. cir. 1967); United States v. Herold, 309 F. Supp. 997 (D.C. Wis. 1970).


Finally, defendant's residence is a factor to be considered, and this would appear to be particularly true in a capital case where the chain of events leading up to the indictment commenced at that place of residence.

Weighed against the above, it does not appear there would be any great burden on the government or on its witnesses if this case were transferred to the Middle District of Tennessee. Of course, counsel must speculate at this point on the number of witnesses the government will call, and, of that number, those that reside in the Jacksonville area. It does not believe, however, that more than two or three individuals would have to be transported from Jacksonville to Nashville. Even these two or three would appear to be government employees, i.e., agents of the Federal Bureau of Investigation.

In view of the foregoing, it is respectfully submitted that for the convenience of the parties and in the interest of justice, and, indeed, under the facts of this case, in the interest of a fair trial, this case should be transferred to the Middle District of Tennessee.

Respectfully submitted,

\_\_\_\_\_  
James F. Neal

  
\_\_\_\_\_  
Edward Booth

\_\_\_\_\_  
Larry D. Woods

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Memorandum has been forwarded to the United States Attorney for the Middle District of Florida, this 31<sup>st</sup> day of November, 1971.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA )

VS. )

NO. 71-

Cr-J

BOBBY WAYNE WALLACE )

AFFIDAVIT IN SUPPORT OF  
MOTION FOR TRANSFER

Before the undersigned, an officer duly authorized by law to administer oaths, comes James F. Neal, Larry D. Woods, Charles W. Bone and Edward Booth, who, after being duly sworn, depose and say:

Deponents are counsel of record for Mr. Bobby Wayne Wallace, defendant in the above styled action. Deponents have personally investigated the circumstances and witnesses involved in this case and are personally acquainted with the defendant's financial condition.

Based on our investigation, the number of crucial witnesses residing in the Middle District of Tennessee far outnumber the witnesses in Florida who are few in number by comparison. The following residents of Nashville and surrounding towns in Tennessee are vitally necessary to the defense of this case:

Mr. R. G. Crump: Mr. Crump is a pilot for Big Brothers Aircraft, Inc. and could testify to the events that took place at the Big Brothers terminal and events that occurred during the flight to Jacksonville.



Mr. Larry Reed: Mr. Reed is an employee of Big Brothers Aircraft, Inc. and could testify to the events that took place at the Big Brothers terminal on October 4, 1971.

One or more officers of the Metropolitan Nashville Air Security Force who could testify to certain events that took place at the Metropolitan Nashville airport on October 4, 1971.

Mr. Harold Hunter: Mr. Hunter is a Nashville businessman and could testify as to how Mr. George Giffe met Mr. Wallace recently; and could testify that Mr. Wallace and his business partner were trying to establish a lounge in Nashville and needed investment; and could testify that to his knowledge Mr. Wallace met Mr. Giffe on only six occasions; and could testify concerning Mr. Giffe's background and relation with Mrs. Giffe; and could testify about Susan and George Giffe's trips together to Atlanta.

Mr. Samuel Latham: Mr. Latham was Mr. Wallace's partner in their endeavor to build, open and operate a lounge in Nashville. Mr. Latham could testify concerning Mr. Wallace's background; could testify about their business enterprise and the extent of Mr. Giffe's attempted involvement in it; and could testify as to how

and why Mr. Giffe met Mr. Wallace recently; and could testify as to the few occasions when Mr. Giffe and Mr. Wallace were together; and could testify as to how very little was known about Mr. Giffe by the partnership. He could give vital testimony for Wallace's activities immediately prior to the flight of 9056N from Nashville to Jacksonville.

Mr. Douglas Ashdown: Mr. Ashdown is a neighbor of Mr. Wallace and could testify concerning Mr. Wallace's behavior and activities on Sunday, October 3, 1971.

Mr. William Dunlop: Mr. Dunlop is an officer of Third National Bank in Nashville and could testify that on October 1, 1971, he handled arrangements whereby Mr. Wallace and his business partner were going to borrow money to enable them to complete their business enterprise; and could give vital testimony regarding plans of Wallace on the morning of October 4, 1971 with him for 8:30 A. M. to sign the necessary papers for the loan.

Mr. M. G. Ferguson: Mr. Ferguson is the President of Citizens Savings Bank and Trust Company in Nashville and could testify that Mr. Wallace and his business partner applied to his bank for a loan in connection with their business enterprise and had been told to come back October 4, 1971; and could testify that they did not know their application

had been rejected until Mr. Wallace's business partner came in the bank on October 5, 1971.

Sheila Durrett: Mrs. Durrett is an employee of the King of the Road Motel in Nashville where Susan Giffe worked and was an acquaintance of George Giffe. She could testify that George Giffe habitually carried a gun and that George and Susan Giffe frequently made trips to Atlanta together.

Miss Diane Hayth: Miss Hayth was an acquaintance of George Giffe. She could testify that George Giffe habitually carried a gun and sometimes carried two guns.

Mr. Hugh Howser and Mr. Thomas Binkley: Mr. Howser and Mr. Binkley are attorneys in Nashville and could testify concerning George Giffe's business relationships and his trips to Atlanta.

Numerous character witnesses (not less than fifteen and up to the amount allowed by the court) who could testify as to Mr. Wallace's reputation in the community for truth and veracity.

Respondents have personally interviewed each and every of the above described witnesses whose testimony is absolutely essential to the defense of this case. Mr. Wallace is financially unable to afford.

the fees and expenses involved in securing the attendance and testimony of these witnesses in Florida. Mr. Wallace's business enterprise, a lounge in Nashville that he put all of his available money and time into, has recently been forced to close. Mr. Wallace has a number of unsatisfied debts as a result of the aforesaid failure of the lounge and his income from his job is sixty-five dollars (take home) per week. If this trial is not transferred from Jacksonville, it will be impossible for the defendant to secure the attendance and testimony of these witnesses.

This affidavit is given to be used for a Motion for Transfer in the above styled case and in any further proceedings in said case wherein the same may be pertinent.

James F. Neal

*Larry D. Woods*  
Larry D. Woods

*Charles W. Bone*  
Charles W. Bone

Edward Booth

STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

LARRY D. WOODS and CHARLES W. BONE, having been  
duly sworn, make oath in due form of law that the statements in  
their foregoing Affidavit are true to the best of their information,  
knowledge and belief.

Larry D. Woods  
Charles W. Bone

Sworn to and subscribed before  
me this 24<sup>th</sup> day of November, 1971.

Dennis Rogers  
Notary Public

My Commission Expires: 4-30-73

STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

JAMES F. NEAL, having been duly sworn, makes oath in  
due form of law that the statements in his foregoing Affidavit are  
true to the best of his information, knowledge and belief.

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 1971

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF FLORIDA )  
COUNTY OF DUVAL )

EDWARD BOOTH, having been duly sworn, makes oath  
in due form of law that the statements in his foregoing Affidavit  
are true to the best of his information, knowledge and belief.



Sworn to and subscribed before me  
this 5th day of November, 1971

  
Notary Public

My Commission Expires: May 31, 1974

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

UNITED STATES OF AMERICA )

V. )

BOBBY WAYNE WALLACE )

NO. 71-212-Cr-J

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF DAVIDSON

BOBBY WAYNE WALLACE and ELIZABETH WALLACE, being  
first duly sworn, state:

1. That Bobby Wayne Wallace is the defendant in  
the case of United States v. Bobby Wayne Wallace, No. 71-212-  
Cr-J, and that Elizabeth Wallace is his wife. They have  
one child, Eric, age four. They reside at B6, 103 Thompson  
Lane, Nashville, Tennessee;

2. Bobby Wayne Wallace is presently employed at  
an hourly rate of \$1.60 and Mrs. Wallace is employed at Baird-  
Ward Printing Company on a monthly salary of \$500.00;

3. They do not own a home or other real estate,  
have no savings account or bank account (other than an  
account necessary to meet monthly bills), own no stocks  
or bonds or other species of real or personal property  
other than furniture and personal effects of approximately  
\$500.00; they do have two automobiles, but the amounts owed  
on each automobile is at least equal to the value of each  
automobile;

July 1, 1975 17a



CERTIFICATE

I hereby certify that a copy hereof has been furnished  
to the United States Attorney for the Middle District of Florida,  
Post Office Box 59, Jacksonville, Florida, by hand delivery  
this 30th day of November, 1971.



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

RECEIVED BY  
U. S. ATTORNEY  
MID DIST. OF FLORIDA

NOV 30 1971

JACKSONVILLE

UNITED STATES OF AMERICA )  
 )  
V. )  
 )  
BOBBY WAYNE WALLACE )

NO. 71-212-Cr-J

MOTION FOR BILL OF PARTICULARS

Defendant moves, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, for a Bill of Particulars setting forth the following:

COUNT ONE

Define the term "or otherwise" in the sentence "held for ransom or otherwise" as contained in this count, that is to say, if the government contends Susan L. Giffe was not held for ransom state for what other reason or reasons she was unlawfully seized, kidnapped and carried away.

COUNT TWO

(1) Describe the moment when the defendant seized and exercised control over the aircraft referred to in this count.

(2) Was the aircraft seized and control exercised over it prior to the moment that power was applied for take-off?

COUNT THREE

Identify and describe the "dangerous weapon" allegedly referred to in this count.

COUNT FOUR

Identify and describe the "dangerous weapon" allegedly referred to in this count.

Respectfully submitted,

James F. Neal

Edward Booth

Larry D. Woods

Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion has been forwarded to the United States Attorney for the Middle District of Florida, this 30th day of November, 1971.



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

RECEIVED  
U. S. ATTORNEY  
MID DISTRICT OF FLORIDA

NOV 30 1971

JACKSONVILLE

UNITED STATES OF AMERICA )

V. )

NO. 71-212-Cr-J

BOBBY WAYNE WALLACE )

MOTION FOR ORDER PERMITTING AND  
DIRECTING INTERVIEW OF FEDERAL  
BUREAU OF INVESTIGATION AGENTS

Defendant moves for an order of the Court directing the Federal Bureau of Investigation to identify and make available for interview, and for an order directing such agents to appear at a designated time and place and to answer relevant questions, those agents who participated in the capture of the aircraft involved in this matter on the morning of October 4, 1971, at the airport in Jacksonville, Florida.

Counsel for the defendant recognize that in the usual case where agents of the Federal Bureau of Investigation are not fact witnesses themselves, but are merely investigative agents, they have no right to interview such agents or to secure copies of their reports. In this case, however, agents of the Federal Bureau of Investigation are fact witnesses who have direct knowledge of the relevant events, and as agents of the prosecuting authority they must and should make these facts available to the defendant. In this unique situation, failure of the prosecuting authority to make its

agents available, at reasonable times and places and under protective orders of this Court, would violate the spirit of those cases commencing with Brady v. Maryland, 373 U.S. 83 (1963). The government would have the opportunity to conceal exculpatory evidence and might do so inadvertently. Only counsel for a defendant is completely qualified to determine the nature, exculpatory or inculpatory, of information possessed by these agents. Counsel for both sides in a criminal prosecution must have an equal right and opportunity to interview witnesses with relevant information. Gregory v. United States, 369 F.2d 185, Appeal on Remand, 410 F.2d 1016 (D.C. Cir. 1966) cert. den. 396 U.S. 865. Further, the government is bound not to obstruct a defendant's access to prospective witnesses. United States v. Miller, 381 F.2d 529 (1st cir. 1969) cert. den. 392 U.S. 929. Both of these principles would be violated in this case if the government's own employees who are fact witnesses are not made available to counsel for defendant for interviews under reasonable terms and conditions. (See also United States v. McCarthy, 292 F.2d 937 (D.C.N.Y. 1968) involving witnesses in protective custody.)

Counsel for the defendant, as officers of this Court, will accept and respect any order protecting information secured as a result of the interview of agents involved. They seek to interview these agents solely to have a reasonable opportunity to prepare a defense in this cause.

Counsel for the defendant have already requested through Mr. W. M. Alexander, Special Agent in charge of the Jacksonville office of the Federal Bureau of Investigation,

an opportunity to interview the agents in this matter, and Mr. Alexander has advised counsel, courteously, of course, that the agents will not be available for an interview. Mr. Alexander did explain that each of the agents has furnished the United States Attorney a statement, presumably containing his knowledge of the relevant events, but that such statements are not available at the present time. Mr. Alexander implied these statements would be made available only pursuant to the provisions of Title 18, U.S.C. §3500.

Counsel for the defendant respect Mr. Alexander's position, but must insist that a government cannot prosecute a defendant and at the same time refuse to have its agents available for interview by counsel for defendant where those agents are fact witnesses to some of the events on which the indictment is based.

Respectfully submitted,

James F. Neal



Edward Booth

Larry D. Woods

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing  
Motion has been forwarded to the United States Attorney  
for the Middle District of Florida, this 30th day of  
November, 1971.

Edward M. Davis

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

RECEIVED BY  
U. S. ATTORNEY  
MID DISTRICT OF FLORIDA

NOV 30 1971

JACKSONVILLE

UNITED STATES OF AMERICA )

V. )

BOBBY WAYNE WALLACE )

NO. 71-212-Cr-J

MOTION FOR PRODUCTION OF GRAND JURY  
MINUTES AND WITNESS STATEMENTS

Defendant moves for an order directing the government to produce at a designated place and on a specified date, not less than fifteen days prior to the scheduled day of trial, the testimony of each witness who gave testimony with respect to this cause before the Grand Jury which returned this indictment and for an order directing the government to produce at the same place and on the same date all statements in their possession of witnesses the government proposes to call in support of this indictment.

Defendant submits that such an order is proper and within the Court's power under the Court's authority to regulate the trial of a criminal case. Failure to make the Grand Jury transcripts and witness statements available to counsel for the defendant at some period in advance of trial would unnecessarily prolong and disrupt the trial. Failure to grant this order would mean that after each government witness testified on direct counsel for defendant would have to request a recess in order to review and study the witness's grand jury testimony and statements made to



the Government. That both Grand Jury transcripts and statements of the witnesses must be made available to the defendant prior to cross-examination is clear. See, e.g., United States v. Youngblood, 379 F.2d 365, (2d Cir. 1967) and by 18 U.S.C. §3500. In order to insure an orderly trial and to avoid possible prejudice to the defendant, which might arise because his counsel would have to repeatedly request recesses to review such statements, defendant submits these transcripts and statements be made available in advance of trial.

Respectfully submitted,

\_\_\_\_\_  
James F. Neal

\_\_\_\_\_  
Edward Booth

\_\_\_\_\_  
Larry D. Woods

Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion has been forwarded to the United States Attorney for the Middle District of Florida, this \_\_\_\_ day of November, 1971.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

RECEIVED  
U. S. ATTORNEY  
DISTRICT OF FLORIDA  
NOV 30 1971

JACKSONVILLE

UNITED STATES OF AMERICA )

V. )

BOBBY WAYNE WALLACE )

NO. 71-212-Cr-J

MOTION FOR LIST OF WITNESSES

Defendant moves for an order directing the government to provide the defendant with a list of witnesses to be produced in the trial of this cause for proving the indictment, stating the place of abode of each such witness. Counsel requests that this list be made available not less than thirty days prior to the scheduled date of trial.

In support of this motion the Court is respectfully referred to 18 U.S.C. §3432.

Respectfully submitted,

\_\_\_\_\_  
James F. Neal

\_\_\_\_\_  
Edward Booth

\_\_\_\_\_  
Larry D. Woods

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing  
Motion has been forwarded to the United States Attorney  
for the Middle District of Florida, this 30th day of  
November, 1971.

Edward M. [Signature]

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

RECEIVED  
U. S. ATTORNEY  
MID DISTRICT OF FLORIDA

NOV 30 1971

JACKSONVILLE

UNITED STATES OF AMERICA )

V. )

NO. 71-212-Cr-J

BOBBY WAYNE WALLACE )

MOTION TO INSPECT AND COPY OR  
PHOTOGRAPH DOCUMENTS

Defendant moves under Rule 16 of the Federal Rules of Criminal Procedure to be allowed to discover, inspect, copy or photograph the documents listed below. In explanation of this motion, counsel would point out that while the government and counsel for defendant have agreed to proceed under the Omnibus Rule used in this District, if trial of the case remains here, defendant has filed a motion for an order transferring this case to the United States District Court for the Middle District of Tennessee and should such motion be granted, as counsel contends it should be, discovery under the Omnibus Rule will not be available.

1. The results of any and all tests, such as parafin tests or neutron-activation tests, calculated to determine whether any person has recently fired a firearm;

2. Any and all autopsy reports on George Giffe, Susan Giffe and Brent Downs;

3. Any garment worn by Susan Giffe or used to restrain Susan Giffe during the events upon which the indictment are based, or pictures or descriptions of such garments

if the garments are no longer in the government's possession.

4. The bags of clothing and other paraphernalia including the box alleged by Giffe to contain explosives and lunch boxes taken from the plane in Jacksonville, or pictures or descriptions of such items, if the items are no longer available.

5. Transcripts of all radio transmissions between the aircraft and all ground control centers, other than those between the Nashville tower and the plane and the Jacksonville tower and the plane which are already in the possession of counsel for the defendant.

6. All transcripts of radio transmissions between various radio towers and agents of the Federal Bureau of Investigation and all transcripts of radio communications between one FBI agent and another, all for the period from take-off of the aircraft involved in this case to and including the arrest of the defendant.

7. The results of attempts by the FBI to trace possession and ownership of the gun taken from the defendant after he had departed the plane in Jacksonville.

8. The records, if any, of Big Brothers Aircraft reflecting the chartering of the airplane involved in this case and reflecting statements made by the person who chartered the plane as to destination, number of persons traveling and other items of information.

9. The personal effects taken from the body of George Giffe, including police badges, cards evidencing organizations and activities of Giffe and other such items of personal effect.

10. Results of ballistic tests made to determine the weapon used in the death involved in this cause.

11. Photographs and diagrams of the airplane involved in this matter.

12. Information in the possession of any agency of the United States government reflecting or indicating that George Giffe was at the time of his death or had been prior thereto a member of any police or law enforcement agency of the United States government, specifically including United States Customs Service, the CIA or like agencies.


In support of this motion, counsel for defendant submit that the items and objects listed above are manifestly material to the preparation of the defense in this cause and that such requests are clearly reasonable. Paraffin and other tests would determine whether the defendant or some other person fired the fatal bullets that resulted in the death of Susan and George Giffe and Brent Downs. The same is true of the results of any ballistic examinations. Autopsy reports, of course, would show the nature and cause of death of victims and these in connection with the paraffin and ballistic tests would tend to establish who actually killed the victims of this tragedy. The garments of Susan Giffe, including anything that might have been used to restrain her movements, is obviously vital to the defendant. Bags of clothing and other paraphernalia taken from the plane and from the body of George Giffe would have materiality on any advance plans made for the events on which this indictment is based. The results of attempts to trace possession and ownership of

the gun taken from the defendant would be important to determine whether the gun belonged to the defendant or to someone else, including the late George Giffe. Records of Big Brothers Aircraft would, again, tend to show any plans for the flight involved in this cause and what individual did such planning.

The requests made herein are reasonable as no apparent heavy burden would be placed on the government and the defendant in this capital case has no other means of securing this vital information..

Respectfully submitted,

James F. Neal

  
Edward Booth

Larry D. Woods

Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion has been forwarded to the United States Attorney for the Middle District of Florida, this 30th day of November, 1971.

  
Larry D. Woods

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

RECEIVED  
U. S. DISTRICT COURT  
NOV 26 1971

UNITED STATES OF AMERICA )

NO. 71-212-Cr-J

JACKSONVILLE, FLA.

BOBBY WAYNE WALLACE )  
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NOTICE

Defendant, by his undersigned attorneys, advises the Court that various motions for discovery have been filed herein on behalf of said Defendant to protect the rights of this Defendant in the event that the Court should grant Defendant's motion for transfer of this cause to the Middle District of Tennessee. Defendant has heretofore on October 29, 1971, advised the Court that he would participate in the Omnibus Hearing Project and intend to abide by the Omnibus provisions, but deems it necessary to file the discovery motions herein as the Omnibus Hearing Project is not in the Middle District of Tennessee.

EDWARD M. BOOTH  
702 Florida Theatre Building  
Jacksonville, Florida 32202

JAMES T. REAL  
Third National Bank Building  
8th Floor  
Nashville, Tennessee

LARRY D. WOODS  
2315-21st Avenue, South  
Nashville, Tennessee

CHARLES W. BONE  
Goodell Building, Court Square  
Gallatin, Tennessee  
ATTORNEYS FOR DEFENDANT

BY: \_\_\_\_\_

EXHIBIT



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

No. 71-212-Cr-J

BOBBY WAYNE WALLACE

RESPONSE TO DEFENDANT'S MOTION  
FOR TRANSFER

Defendant, BOBBY WAYNE WALLACE, has filed a motion with this court requesting that venue be changed from the Middle District of Florida, where the indictment of this cause was filed, to the Middle District of Tennessee. The United States opposes this transfer on the grounds that the defendant has failed to carry his burden as imposed by Title 18, United States Code, Rule 21(b), as amended in 1966.

Rule 21(b) provides:

For the convenience of parties and witnesses, and in the interest of justice, the court upon motion of the defendant may transfer the proceedings as to him or any one or more of the counts thereof to another district. (Emphasis Added)

The dual test as emphasized above--convenience of parties and witnesses, and in the interest of justice--is a conjunctive test to be applied rather than a disjunctive test. That is, the court must find that justice would be served by ordering the transfer in addition to the convenience of the parties and witnesses. Jones v. Gasch, D.C. Cir. 1967, 404 F.2d 1231, 1232.

Although the defendant in form and in passing says that a fair trial would be impossible if held 700 miles away

from the defendant's witness location and residence, defendant does not consider the interest of justice to be an important one. Defendant in substance only asserts and emphasizes one criteria for transfer: that is, it would be more convenient for the defendant and the defendant's witnesses. Defendant makes no other expressed or implied reference to the interest of justice. To emphasize this single reason for the transfer under the convenience argument, the defendant eludes to the proposition that the convenience of defense witnesses and the defendant even takes precedent over the fair trial requirement as set forth in the sixth amendment to the Constitution of the United States. The United States contends that such argument is totally without foundation in that the sixth amendment to the Constitution, which provides the defendant to the right for a fair and impartial trial, must take precedent over a rule of criminal procedure.

Federal courts interpreting Rule 21(b) have not made "convenience" the prime consideration, but have in fact interpreted it narrowly. Judge Holtzoff in United States v. Ray, 234 F. Supp. 731 (D.C.D.C. 1964) at page 372 stated:

Manifestly it would be much more convenient for him [defendant] if the trial of this action were held in his home District. This, however, is not a governing consideration, though it may be given some weight. The Supreme Court stated in Plott v. Minnesota Mining Co., 376 U.S. 240, 84 S.Ct. 769, 11 L. Ed.2d 674, that it is error to hold that the defendants in criminal cases have a constitutionally-based right to a trial in their home Districts. On the contrary, the Constitution contemplates that an accused shall be prosecuted in the District where the crime is committed. (Emphasis Added)

Moreover, mere inconvenience, interference with one's routine, occupation, and personal activities are not ipse facto grounds to warrant a transfer. United States v. U.S. Steel Corp., 233 F. Supp. 154 (D.C. N.Y. 1964). Furthermore,

a bare assertion that a large number of witnesses from another district will be needed at trial is not sufficient to demonstrate preponderance of inconvenience necessary to warrant a transfer of a prosecution for convenience or in the interest of justice. United States v. Jones, 43 F.R.D. 511, 514 (D.C.D.C. 1967). A transfer is warranted only if the balance of inconvenience is of some substance. (Emphasis Added) United States v. Pilnick, 267 F. Supp. 791 (S.D. N.Y. 1967); United States v. Cohen, 35 F.R.D. 227 (D.C. Cal. 1964). In Pilnick, supra, the district court denied a transfer from New York to Florida, or New Jersey, and said quoting Cohen, supra, "unless the facts involved indicate a balance of substance to the defendant . . . ." "Substance" here was defined in a fact context where the defendant argued that a transfer should issue because he lived in Florida, the land which was the subject of fraudulent sales was located in Florida, and the fraudulent acts were committed in a New Jersey office. The court required that "substantial" inconvenience to a defendant be more than having his residence, the corpus delicti, and the criminal acts, outside of the initial forum.

Defendant's memorandum in support of the motion to transfer can be boiled down to one major contention. This being that it is economically impossible for the defendant to bring his witnesses to Florida for the trial. The Government in meeting its burden on the merits will subpoena to Jacksonville all the vital witnesses in this case except character witnesses and any alibi witnesses of the defendant. However, if the defendant is indigent at

the time of the trial, as he has already been declared, under present criminal justice statutes, he has the right to subpoena witnesses at Government expense. Thus, as long as the defendant remains in the financial position that he presently alleges to be in, the cost of transporting and maintaining witnesses is not a burden that he must bear. This in effect totally alleviates the major contention which the defendant espouses in order to substantiate his motion for a transfer. Again, assuming arguendo that witness costs to the defendant was a viable issue in this case, location of witnesses is not the sole and prime consideration. At the present time, it does not appear that there are any economic shortcomings on the defendant's part because he has been represented in court and on pleadings by at least three non-court appointed attorneys who are presently residing in the same area as witnesses they may need to interview for preparation of the defense.

In determining whether a prosecution should be transferred in the "interest of justice", the court may consider:

" \* \* \* the rights of the Government, the accused, and the public; curtailment of unnecessary expense; relative cost to the parties involved; their possible embarrassment by reason of absence from their place of business for extended periods of time; length of time of the trial and the comparative condition of the dockets of both courts; and also the relative cost and hardship because of removal of records into another jurisdiction." United States v. Pedro Casanov, 233 F. Supp. 1901, 1902 (D.C.P.R. 1964). United States v. Jones, supra, at 513.

The Jones court, supra, also stated at page 514:

However, before applying these factors to the present case, we must

take as our starting point the preliminary proposition that sound judicial administration and the need for efficient handling of the prosecuting attorney's work load suggest that only rarely and for good cause should a prosecution be withdrawn by a judicial act from the court in which it was brought and probably from the direction and management of counsel who have prepared it. United States v. Luros, 243 F.Supp. 160 (W.D. Iowa 1955); United States v. United States Steel Corp., 233 F.Supp. 154 (S.D.N.Y. 1964); and United States v. White, 95 F.Supp. 544 (D.Neb. 1951). This is especially true where, as in this case, government counsel has carried it before the Grand Jury. Accordingly, to warrant a transfer the defendant must demonstrate and the Court must be satisfied that the prosecution in the district where the indictment was properly returned will result in a substantial balance of inconvenience to himself. United States v. Cohen, 35 F.R.D. 227 (S.D.Calif. 1964); United States v. Luros, supra, and United States v. United States Steel Corp., supra. As Judge Carter said in United States v. Cohen, 35 F.R.D. at 232:

'In weighing and balancing the respective conveniences of the parties the Court should not grant the motion unless the factors involved indicate a balance of inconvenience of some substance to the defendant.' (Emphasis Added)

Each motion for a transfer must be judged upon the individual facts of the case in which it is presented. United States v. White, 95 F. Supp. 544 (D. Neb. 1951). The judge deciding the motion is vested with broad discretion. Estes v. United States, 5 Cir 1964, 335 F.2d 609; United States v. National City Lines, 7 F.R.D. 393 (S.D. Calif. 1947).

... once instituted, a prosecution should only rarely and for good cause be withdrawn by judicial action from the area in which it has been brought, and probably from the management of counsel who have prepared it, ... they [prosecution] have carried it before a Grand Jury. Nor should the judge

of a district succumb to the temptation to eliminate cases from his docket by any easy but specious device whose consequence is to cast upon others the disposition of controversies properly triable before him. Good order in the management of judicial business and in the handling of a prosecuting attorney's case load suggests the preliminary thought that criminal proceedings ought ordinarily to remain for final disposition in the districts and divisions where they are originally filed. (Emphasis Added) White, supra, at 543.

In considering the general phrase of "in the interest of justice", attention must also be given to the possibility of an early trial if desired. United States v. Warring, 121 F. Supp. 546, 551 (S.D. Calif. 1954). Where a United States Attorney is ready and desires to try a case within the next thirty days, but where a transfer would cause many months delay assuming that the receiving district could docket the case in a reasonable time, a delay in prosecution is a determining consideration in a motion to transfer. See, Warring, supra. In the case at bar, if the transfer is granted to the defendant, the following administrative burdens and trial delay would be placed upon the Government:

1. Change of counsel from one district to another on short notice causing delay for new counsel to become factually oriented.
2. Transfer of voluminous investigative reports.
3. Receiving district would be placed in a position of having to answer many discovery motions which could be alleviated by the factor of omnibus proceedings in the former district.
4. Delay caused by new prosecutive decisions by the new counsel with respect to seeking Grand Jury indictment.

on additional charges, or in the alternative, the dismissal of certain charges already indicted.

The sixth amendment to the Constitution places the burden upon the prosecuting attorney to insure that the defendant has a fair and speedy trial. Ethical Consideration 7-13 of Canon 7 of the Code of Professional Responsibility places upon a public prosecutor a different responsibility than that of the usual advocate. It is his function to seek justice, not merely to convict.

This court is well aware of the extraordinary precautions taken by the prosecutor in attempting to preserve at all costs a fair and impartial trial for the defendant in this district. This is clearly discernable from the protective order entered in the Middle District of Florida prohibiting certain parties from improperly releasing evidence in this case which would preclude a fair and impartial trial of this cause. However, such precautions apparently have not been taken in the district to which the transfer is requested because of the conflicting orders entered by the United States District Court for the Middle District of Tennessee. In one order that court precluded the defendant from obtaining by way of discovery certain recorded statements although another order was issued in a civil suit making these recordings available for the public. This further indicates likely controversies that could occur in the Middle District of Tennessee thereby causing unnecessary delays in the prosecution of this criminal proceeding to the detriment of the United States.

It is important to note that because of the failure of the court in the Middle District of Tennessee

to preclude the pre-trial release of evidence (either favorable to or against the defendant in this case) and the likelihood that continued publicity in the Nashville area could be harmful either to the United States and/or the defendant; three reasonable consequences from a transfer can be anticipated: First, the fair and impartial trial requirement could preclude prosecution or reversal of a conviction; Second, pre-trial delays due to unfavorable publicity would cause an interruption of the United States' right to a speedy trial; Third, unfavorable publicity could conceivably require yet another change of venue. This is especially true since in all likelihood there will be pending a civil suit in the Middle District of Tennessee. The speedy disposition of this case in the Middle District of Florida would insure that there would be no conflict with respect to the two cases. Postponement or transfer of a case on the basis of adverse newspaper publicity is within the discretion of the trial judge. Cf. Kates v. United States, 5 Cir. 1964, 335 F.2d 609, 614.

Though the defendant's Motion for Transfer boils down to his alleged inability to finance witness expenses, two side points were raised. First, defendant at the outset of the motion implies that venue may not lie in Florida as a matter of law. This contention is without merit because the substantive nature of the offenses provides that venue lies in the district where the offenses charged commenced and/or terminated. Title 18, United States Code, Section 3237; Clinton v. United States, 10 Cir. 1961, 293 F.2d 47. Secondly, defendant contends that the fair trial consideration should be subservient to the convenience



of the defendant consideration. This contention was disposed of previously in Jones v. Gasch, supra, herein at page 1.

Accordingly, because the defendant has failed to meet the heavy burden of showing substantial inconvenience to all witnesses and parties, and that the interest of justice requires a transfer in this case, the Government respectfully submits that defendant's Motion for Transfer should be denied.

Respectfully submitted,

By: \_\_\_\_\_

JOHN L. BRIGGS  
United States Attorney  
Middle District of Florida

By: \_\_\_\_\_

JOHN J. DALY  
Assistant United States Attorney  
Middle District of Florida

By: \_\_\_\_\_

HARVEY E. SCHLESINGER  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Response to Defendant's Motion for Transfer, together with copies of affidavits of Harvey R. Schlesinger and Francis A. Burns, Jr., have been furnished Edward Booth, Esquire, Florida Theatre Building, Jacksonville, Florida 32202; James F. Neal, Esquire, Third National Bank Building, Nashville, Tennessee; Larry D. Woods, Esquire, 2315 21st Avenue, South, Nashville, Tennessee; and Charles W. Vono, Esquire, Goodall Building, Court Square, Gallatin, Tennessee, attorneys for the defendant, by mail, this 10th day of December, 1971.

Assistant United States Attorney

FILED  
JACKSONVILLE FLORIDA  
DEC 14 1971  
WESLEY R. THIES  
CLERK  
UNITED STATES DISTRICT COURT  
MIDDLE-DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

Case No. 71-212-CR-J.

BOBBY WAYNE WALLACE

ORDER

Upon consideration of the defendant's motion for transfer, the Government's response, affidavits affixed thereto, evidence and exhibits presented, and oral argument before this Court, the Court finds as follows:

1. The defendant Bobby Wayne Wallace is indigent within the purview of the Criminal Justice Act.
2. The defendant's alleged financial inability to bear the cost of transportation of witnesses to Jacksonville, Florida, for trial is a moot issue since the Government under the Criminal Justice Act will bear this burden.
3. A fair and impartial trial is not a factor to be considered since the defendant will receive a fair and impartial trial in either the Middle District of Florida or the Middle District of Tennessee.
4. The status of the court calendar in the Middle District of Florida, Jacksonville Division, is such that this case can be tried in January of 1972.
5. It appears that a majority of the witnesses will come from the Jacksonville area, and the cost of

transporting the witnesses, which will be assessed against the Government, will be substantially decreased if this cause is tried in Jacksonville, Florida. Although the number of witnesses and their location is not a controlling factor, it has been considered in determining convenience to all parties and the witnesses.

6. This case has been under the supervision of the United States Attorney's office in Jacksonville, Florida, from its inception; voluminous records have been compiled in the investigation of this case; the Jacksonville office presented this matter to the grand jury which returned the indictment; the Jacksonville Government counsel are fully prepared to present the case at this time; the United States Attorney's office in Nashville, Tennessee, will require additional time to become familiar with the facts and to prepare for trial if this cause were transferred.

7. The defendant has failed to carry the burden required of him by the provisions of Rule 21(b) of the Federal Rules of Criminal Procedure to show that a trial in the Middle District of Florida, Jacksonville Division, would act as an inconvenience to either party and to show that the interests of justice would not be met if the case was not transferred.

Accordingly, on this 14<sup>th</sup> day of December, 1971, it is ORDERED and ADJUDGED that the defendant's motion for transfer is hereby denied.

  
JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

-vs-

BOBBY WAYNE WALLACE

FILED  
JACKSONVILLE, FLA.  
OCT 23 1971  
WESLEY R. THIES  
CLERK

NO. 71-212-Cr-J

MOTION FOR REHEARING OF MOTION FOR TRANSFER

Defendant respectfully requests that his motion to transfer this cause from the Middle District of Florida to the Middle District of Tennessee under Rule 21 (b) be set down for rehearing and, in support of its motion for rehearing, would state to the Court:

1. The Court erred in holding that a majority of the witnesses in this matter will come from the Jacksonville, Florida area. Defendant offered proof that at least nineteen fact witnesses would be called from the Nashville, Tennessee area and at least fifteen character witnesses, all except one; from the Nashville area, would also be called on behalf of the Defendant. Even assuming all the witnesses from the Jacksonville area mentioned by FBI Agent Burns would actually appear and testify, (and it should be noted that the Government, unlike the Defendant, did not identify any witness) only twenty-four persons involved would be from the Jacksonville area. Further, Defendant doubts seriously that twenty-four FBI Agents from the Jacksonville, Florida area will appear in this trial and believes the trial would establish this. Witness Burns admitted that only five witnesses were involved in the events at the airport in Jacksonville, Florida, on the morning of October 4, 1971, and in the interview of the Defendant shortly thereafter. Defendant cannot conceive of any circumstances in which an additional nineteen FBI Agents would be required to be transported from Jacksonville, Florida, to Nashville, Tennessee. It appears, therefore, the Court misconstrued the testimony in finding that "a majority of the witnesses will come from the Jacksonville area."

2. In view of the above, it appears the Court is in error in ruling that the cost of transporting witnesses will be substantially decreased if this case is tried in Jacksonville, Florida.

3. While the Transferor Court cannot assume that a fair and impartial trial will not be received by the Government in the transferee district, the Court is in error when it states that a fair and impartial trial is not a factor to be considered. Rule 21 (b) speaks of the "interest of justice". This is a capital case and because the decisive events occurred on the apron just outside the hangar at Big Brothers Aircraft at the airport in Nashville, Tennessee, and because truth and justice may turn on such incidents as distances, directions and lighting at the time the airplane was boarded by the individuals involved, it would be vital and material that the jury view the premises at Big Brothers Airport where these decisive events occurred. During the trial of the case, a jury view of this area will be requested and, in the opinion of counsel for the Defendant, is essential if a fair and impartial trial of the Defendant is to be had. Obviously, transporting the jury and all personnel for such view from Jacksonville, Florida, to Nashville, Tennessee, would be grossly inconvenient and disruptive, as well as additionally expensive. A jury view from a trial in Nashville, Tennessee, on the other hand, would be only a slight inconvenience.

4. Assuming that the Court erred in finding that the majority of witnesses will come from the Jacksonville area, it is necessary to consider the expense to the government and the inconvenience to the majority of the witnesses to take these witnesses away from their businesses and homes and transport and maintain them in Jacksonville, Florida. Substantially, all of the witnesses that will come from the Nashville, Tennessee area are private citizens whose daily lives would be considerably disrupted and who have other jobs and are involved in this matter only by accident. The witnesses from the Jacksonville, Florida area, however, are all FBI Agents or government employees whose transportation and maintenance in Nashville would simply be a part of their ongoing jobs. The Court should consider this aspect in balancing the convenience in this matter.

5. The Court erred in relying on the fact that "voluminous records have been compiled in the investigation of this case." Witness Burns for the government

admitted that the "voluminous records" consisted of thirteen volumes, each one-to-two inches thick, and a foot locker of "bulky exhibits". Obviously, these "voluminous records" could be transported in an automobile from Jacksonville to Nashville at little cost to anyone.

6. The status of the respective court calendars appears to be of little importance in this case, in that counsel for the Defendant cannot go to trial in January or February of 1972 in any event, and there is no showing that this case could not be tried in Nashville as quickly as it could be tried, all things considered, in Jacksonville, Florida. Nashville counsel for Defendant commences a criminal trial in Federal Court in Montana on January 31, 1972, in a case that has been tried once. That trial consumed a month's trial days and was tried by counsel other than the Nashville counsel in this cause. The trial transcripts amount to approximately twenty-eight volumes of testimony and there are hundreds of exhibits. Nashville counsel will have to spend the latter part of December and the month of January preparing for this trial and then the month of February trying the case. Jacksonville counsel for Defendant has trial and other commitments that will prevent him from being available or ready to try this case before the month of March of 1972.

7. This case is not a difficult or complex case to try and the United States Attorney's Office in Nashville, Tennessee would have no difficulty in familiarizing itself with the case and presenting the case at trial.

8. In consideration of the interest of justice requirements of Rule 21 (b) where an accused is charged with a capital offense that can be tried in either of two jurisdictions, we urge that the interest of justice suggests that the trial be in the community where the alleged offense originated and where the accused resides, rather than in a community where the accused has no connection and which community was involved in the alleged offense only by happenstance.

In view of the foregoing, Defendant submits that this is a uniquely appropriate case for a transfer under Rule 21 (b) and that the Court erred in denying his motion for transfer. Defendant, therefore, respectfully requests that the Court reconsider his Motion for Transfer heretofore filed herein and

transfer the trial of this cause from Jacksonville, Florida, to Nashville,  
Tennessee.

Respectfully submitted,

EDWARD M. BOOTH  
702 Florida Theatre Building  
Jacksonville, Florida 32202

JAMES F. NEAL  
Third National Bank Building  
8th Floor  
Nashville, Tennessee

LARRY D. WOODS  
2315-21st Avenue, South  
Nashville, Tennessee

CHARLES W. BONE  
Goodall Building, Court Square  
Gallatin, Tennessee  
ATTORNEYS FOR DEFENDANT

BY: \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been furnished  
to the United States Attorney, Post Office Box 59, Jacksonville, Florida 32202,  
by        delivery this        day of December, 1971.

\_\_\_\_\_  
BY: \_\_\_\_\_



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

No. 71-212-Cr-J

BOBBY WAYNE WALLACE  
-----

ORDER

ORDERED:

Trial of this case is set for the week commencing Monday, January 17, 1972, at 9:30 o'clock A.M., before the undersigned, in Courtroom No. 1, United States Courthouse and Post Office Building, Jacksonville, Florida.

DONE AND ENTERED at Jacksonville, Florida, this 21st day of December, 1971.

  
\_\_\_\_\_  
Chief Judge

Copies to:

Mr. Bobby Wayne Wallace  
Apartment B-6  
Thompson Lane  
Nashville, Tennessee

Edward Booth, Esquire  
Florida Theatre Building  
Jacksonville, Florida

James F. Neal, Esquire  
Third National Bank Building  
Nashville, Tennessee

Larry D. Woods, Esquire  
2315-21st Avenue, South  
Nashville, Tennessee

Charles W. Bone, Esquire  
Goodall Building, Court Square  
Gallatin, Tennessee

United States Attorney (Daley/  
Schlesinger)  
Jacksonville, Florida

United States Marshal  
Jacksonville, Florida

United States Probation Officer  
Jacksonville, Florida

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

No. 71-212-Cr-J

BOBBY WAYNE WALLACE

MOTION FOR CONTINUANCE *Br*

Comes now the United States of America, by and through its United States Attorney, and says:

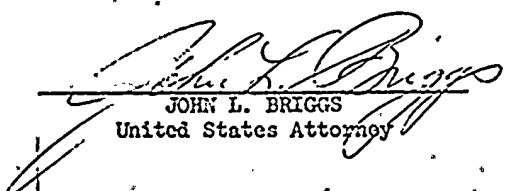
1. This court has before it a motion for rehearing of this court's denial of the defendant's motion for transfer which was argued before the court and denied on December 14, 1971.

2. To date this court has not yet ruled on the defendant's motion for rehearing; and, if the motion was ruled on this day, January 4, 1972, and denied, defendant would have ten days to appeal.

3. This court has set down January 10, 1972, for omnibus hearing; and, assuming that the court denied the defendant's motion for rehearing this date, this would result in the omnibus hearing being four days before the expiration of the defendant's appeal time, January 14, 1972.

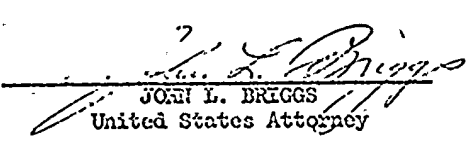
4. To date the government and the defendant have not had an omnibus conference for purposes of reciprocal discovery because of the pending motion for rehearing. It is the government's position that, if transfer were granted, the omnibus project should not be entered into because of the absence of such a procedure in Nashville, Tennessee, the receiving district. If transfer were granted, the discovery procedure and strategy should be controlled by the transferee district.

WHEREFORE, the government respectfully requests that this court continue the omnibus hearing set for January 10, 1972, to such time until after this court has ruled on the defendant's motion for rehearing and until the defendant's appeal time has expired. If the defendant appeals, it is requested that the omnibus hearing date be continued indefinitely until after the appeal mandate has issued.

  
JOHN L. BRIGGS  
United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Motion for Continuance has been furnished by mail to Edward M. Booth, Esquire, Florida Theatre Building, Jacksonville, Florida 32202; James F. Neal, Esquire, Third National Bank Building, Eighth Floor, Nashville, Tennessee; Larry D. Woods, Esquire, 2315 - 21st Avenue, South, Nashville, Tennessee; and Charles W. Bone, Esquire, Goodall Building, Court Square, Gallatin, Tennessee, this 4 day of January, 1972.

  
JOHN L. BRIGGS  
United States Attorney

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA )

-vs- )

BOBBY WAYNE WALLACE )  
----- )

NO. 71-212-Cr-J

MOTION FOR CONTINUANCE

Defendant, by his undersigned attorneys, respectfully moves this Honorable Court to continue the trial of this case, now scheduled for January 17, 1972, upon the following grounds and reasons:

1. There are undisposed motions and proceedings, including a motion for rehearing on Motion for Transfer of this cause to the Middle District of Tennessee, which are undisposed of and the case is not at issue.

2. At the hearing on Motion for Transfer held December 14, 1971, the undersigned Edward M. Booth and James F. Neal advised the Court that their respective schedules of other pending cases and trials would make them unavailable for the trial of this case until approximately March 1972. Affidavit of James F. Neal in support hereof is attached hereto. The undersigned Edward M. Booth will be involved in the trial of the case of Fred Roberts, et al vs. St. Regis Paper Company, a corporation, et al, Case No. 70-292-Civ-J, scheduled for trial in this Court on January 31, 1972, and has other trials prior to and after said January 31, 1972. Counsel, therefore, cannot prepare and will not be prepared for the trial of this case on January 17, 1972.

Respectfully submitted,

EDWARD M. BOOTH  
702 Florida Theatre Building  
Jacksonville, Florida 32202

JAMES F. NEAL  
Third National Bank Building  
Nashville, Tennessee

LARRY D. WOODS  
2315-21st Avenue, South  
Nashville, Tennessee


CHARLES W. BONE  
Goodall Building, Court Square  
Gallatin, Tennessee

ATTORNEYS FOR DEFENDANT

BY: 

CERTIFICATE

I hereby certify that a copy of the foregoing Motion for Continuance has been  
furnished to the Honorable John Briggs, United States Attorney, Post Office Box 59,  
Jacksonville, Florida, by LE delivery this 1 day of January, 1972.



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA )

V. )

BOBBY WAYNE WALLACE )

NO. 71-212-Cr-J

A F F I D A V I T

JAMES F. NEAL, being first duly sworn, states:

1. That he is counsel for the defendant in the above matter, having been retained by remote relatives of the defendant;

2. That he is also the lead counsel for the defendant in the case of United States of America v. Edward Grady Partin, now pending in the United States District Court for the District of Montana. The Partin case is now scheduled for retrial on January 31, 1972 in Atlanta, Georgia, a change of venue having been granted;

3. That the Partin case has been tried once in July of 1971, the trial taking one month. The undersigned was not involved in the first trial of this matter and became lead counsel only in early October, 1971. The transcript of the first trial amounts to some twenty-eight volumes and hundreds of exhibits. Trial of this case has been scheduled for January 31, 1972, since the late summer or 1971;

4. The undersigned states that it will take him the entire month of January to prepare for the trial commencing on January 31, 1972, and that it would be a physical impossibility for him to participate in the Wallace trial and in the Partin trial and provide an adequate defense to both. The undersigned is satisfied the government, Mr. Wilfred Whitley, of the Department of Justice Anti-Trust Division, will confirm the impossibility of the undersigned being ready for the Partin trial on January 31, 1972, and also participate in the Wallace trial commencing on January 17, 1972;

5. That in view of the foregoing, it is vital the Court continue trial of this matter until after trial of the Partin case which has been scheduled for trial to commence on January 31, 1972, since late summer, 1971.

  
JAMES F. NEAL

SWORN TO AND SUBSCRIBED BEFORE ME this 27<sup>th</sup>  
day of December, 1971.

  
NOTARY PUBLIC

My Commission Expires:

July 1, 1975

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

-vs-

BOBBY WAYNE WALLACE

NO. 71-212-Cr-J

WESLEY D. THOMAS  
CLERK

O R D E R

Defendant's Motion for Continuance having been considered by the  
Court, it is

ORDERED:

Trial of this case is continued until further Order of the Court.

DONE AND ENTERED at Jacksonville, Florida, this 4<sup>th</sup> day of

January, 1972.

  
CHIEF JUDGE

COPIES TO:

Mr. Bobby Wayne Wallace  
Apartment B-6  
Thompson Lane  
Nashville, Tennessee

Edward M. Booth, Esquire  
702 Florida Theatre Building  
Jacksonville, Florida 32202

James F. Neal, Esquire  
Third National Bank Building  
Nashville, Tennessee

Larry D. Woods, Esquire  
2315-21st Avenue, South  
Nashville, Tennessee

Charles W. Bone, Esquire  
Goodall Building, Court Square  
Gallatin, Tennessee

Daley/Schlesinger, Esquire  
United States Attorney's Office  
Post Office Box 59  
Jacksonville, Florida 32202

United States Marshal  
Jacksonville, Florida

United States Probation Officer  
Jacksonville, Florida



FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

JAN 10 1972

TELETYPE

Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Walkart	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR003 JK PLAIN

715PM NITEL 1-10-72 HER

TO BUREAU (164-2042)

MEMPHIS (164-76)

OKLAHOMA (164-54)

FROM JACKSONVILLE (164-103) 3 PAGES

GEORGE MALLORY GIFFE, JR., AKA (DECEASED): [REDACTED] AKA  
ET AL , CAA- HIJACKING, ETC., OO JACKSONVILLE.

REPRESENTATIVE OF BUREAU, EXHIBIT SECTION, ARRIVED IN JACKSONVILLE  
THIS DATE. INITIAL VIEW OF JACKSONVILLE CRIME SCENE AREA AFFORDED  
REPRESENTATIVE IN ORDER TO PROVIDE FAMILIARIZATION PRIOR TO REVIEW  
OF DRAWINGS AND SKETCHINGS IN POSSESSION OF JACKSONVILLE OFFICE.

INITIAL REVIEW OF DOCUMENTATION AVAILABLE, VIEW OF CRIME SCENE  
AND PROPOSALS FOR EXHIBITS TO BE PREPARED INDICATED NEED FOR AERIAL  
PHOTOGRAPH IF AVAILABLE OF JACKSONVILLE INTERNATIONAL AIRPORT AREA,  
AS WELL AS OVERALL ENGINEER DRAWING OF SAID AIRPORT. ADDITIONAL  
MEASUREMENTS OF CRIME SCENE AREA TO BE MADE ON MORNING OF JANUARY  
ELEVEN NEXT TO PROVIDE ACCURATE TRIANGULATIONS FOR ITEMS LOCATED  
IN CRIME SCENE AREA.

END PAGE ONE

22 JAN 13 1972

PAGE TWO

JK 164-103

REVIEW OF AIRCRAFT PLANS FORWARDED BY OKLAHOMA CITY TO JACKSONVILLE FROM NORTH AMERICAN ROCKWELL INDICATED FURTHER NEED FOR ACCURATE DRAWINGS OR ENGINEER BLUEPRINTS REFLECTING SPECIFIC DIMENSIONS OF INTERIOR OF HAWK COMMANDER MODEL SIX EIGHT ONE AIRCRAFT IN STANDARD INTERIOR DESIGN INDICATED AS "PLAN A". THESE DIMENSIONS <sup>E</sup>NECESSARY FOR PREPARATION OF ACCURATE DIAGRAM OF INTERIOR OF AIRCRAFT WHICH IS TO SHOW CABIN AREA AND DISTANCE BETWEEN SEATS WITHIN THE CABIN WHERE VICTIMS AND SUBJECTS WERE SEATED DURING FLIGHT FROM NASHVILLE TO JACKSONVILLE.

ON JANUARY ELEVEN NEXT ABOVE MENTIONED MEASUREMENTS AND OTHER MATERIAL WILL <sup>b</sup>BE OBTAINED BY JACKSONVILLE AND EXHIBIT REPRESENTATIVE <sup>✓</sup>WILL MEET WITH USA TO FINALIZE EXHIBITS TO BE PREPARED IN THIS MATTER.

EXHIBIT SECTION REPRESENTATIVE SHOULD DEPART JACKSONVILLE, JANUARY TWELVE NEXT ENROUTE TO NASHVILLE AND WHEN FINALIZED, TRAVEL ITINERARY WILL BE FURNISHED MEMPHIS OFFICE.

OKLAHOMA CITY WILL CONTACT APPROPRIATE REPRESENTATIVES AT NORTH AMERICAN ROCKWELL AND SECURE APPROPRIATE ENGINEER DRAWING OF INTERIOR OF HAWK COMMANDER AIRCRAFT MODEL SIX EIGHT ONE, WITH INTERIOR

END PAGE TWO

Z

PAGE THREE

JK (164-103)

SEATING PLAN "A" AND WILL FORWARD SAME TO JACKSONVILLE VIA AIRTEL FOR REVIEW AND SUBMISSION TO EXHIBIT SECTION AT BUREAU.

MEMPHIS AT NASHVILLE WILL THROUGH SOURCES AT NASHVILLE AIRPORT ATTEMPT TO OBTAIN OVERALL AERIAL PHOTOGRAPH OF AIRPORT AREA AND WILL ALSO OBTAIN ENGINEER DRAWING REFLECTING IMMEDIATE AREA SURROUNDING AND INCLUDING BIG BROTHER AIRCRAFT, INC. THESE ITEMS SHOULD BE AVAILABLE FOR EXHIBIT SECTION REPRESENTATIVE UPON ARRIVAL JANUARY TWELVE NEXT.

END

REW

FBI WASH DC

100-EXHIBITS SECTION

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Bates *[Signature]*

FROM : R. J. Gallagher *[Signature]*

SUBJECT: GEORGE MALLORY GIFFE, JR. -  
DECEASED.

DATE: 1/5/72

1 - Mr. Rosen  
1 - Mr. Bates  
1 - Mr. Gallagher  
1 - *[Redacted]*  
1 - Mr. Dalbey

Tolson \_\_\_\_\_  
Felt \_\_\_\_\_  
Rosen \_\_\_\_\_  
Mohr \_\_\_\_\_  
Casper \_\_\_\_\_  
Conrad \_\_\_\_\_  
Dalbey \_\_\_\_\_  
Cleveland \_\_\_\_\_  
Ponder \_\_\_\_\_  
Bates \_\_\_\_\_  
Walters \_\_\_\_\_  
Soyars \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

*[Redacted]*  
CRIME ABOARD AIRCRAFT -  
HIJACKING

This concerns the 10/4/71 hijacking of a chartered aircraft from Nashville, Tennessee, to Jacksonville, Florida, wherein subject Giffe shot and killed his wife, the pilot, and then committed suicide. Criminal charges have been filed against Giffe's accomplice *[Redacted]* at Jacksonville, Florida. Trial was initially scheduled to commence 1/17/72. A civil suit has been filed in U. S. District Court, Nashville, arising out of this incident. *[Handwritten: 4 MAN]*

This is to advise that on 1/3/72 the U. S. Attorney at Jacksonville filed a motion for continuance of the criminal trial. The motion was based primarily on the fact that the court had not as yet ruled on a motion by attorneys for *[Redacted]* for a rehearing on the court's denial of their motion for a transfer of venue from Jacksonville to Nashville. On 1/4/72, *[Redacted]* attorneys filed a motion for continuance of trial saying they would not be prepared to go to trial on 1/17/72 and also their motion for rehearing mentioned above had not been resolved. *[Handwritten: 3]*

On 1/4/72, a hearing was held before the Chief Judge at Jacksonville who indicated he was distressed over the possible delay in the trial of *[Redacted]*. The Assistant U. S. Attorney took the position the Government was ready to go to trial on 1/17/72; however, he realized the motion for rehearing was still pending. The Chief Judge ordered the case continued saying the trial date would be in the near future if at all possible.

EX-104

REC-15 164-2042-308

ACTION: For information. We are following this matter closely with 13 1972 the Field and the Department.

JFH:mcp

51 JAN 24 1972

*[Handwritten: PMP]*

*[Handwritten: H]*

*[Handwritten: CWB]*

*[Handwritten: R]*

*[Handwritten: 25/5]*

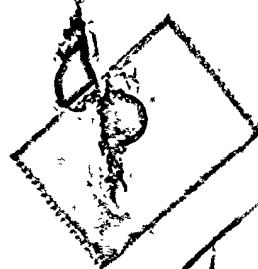
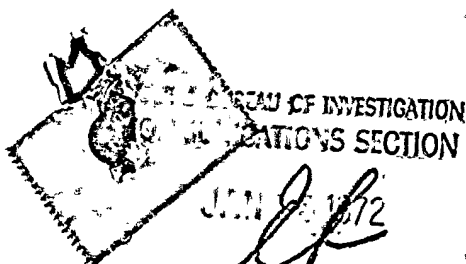
*[Handwritten: J]*

*[Handwritten: WBS]*

*[Handwritten: RC]*

*[Handwritten: DJD]*

n/A  
8:45 P.M. 1/15/72  
WAF



Mr. Tolson	_____
Mr. Felt	_____
Mr. Rosen	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Miller, ES	_____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Cleveland	_____
Mr. Ponder	_____
Mr. Bates	_____
Mr. Walker	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR008 ME PLAIN

11:45PM NITEL 1-14-72 DMB

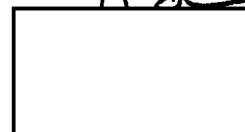
TELETYPE

TO DIRECTOR (164-2042)

JACKSONVILLE (164-103)

FROM MEMPHIS (164-76)

GEORGE MALLORY GIFFE, JR. (DECEASED); ET AL; CAA -  
HIJACKING; ETC. JACKSONVILLE OO.



b6  
b7C

RE MEMPHIS AIRTEL TO BUREAU AND JACKSONVILLE JANUARY  
THIRTEEN, LAST.

EXHIBITS SECTION REPRESENTATIVE SA [ ] THIS DATE HAS  
COMPLETED COMPILATION OF INFORMATION AND DATA FOR PREPARATION  
OF CHARTS AND EXHIBITS THIS CASE. MAPS, ENGINEER DRAWINGS,  
ACTUAL PHOTOGRAPHS AND MEASUREMENTS IN AREA OF CRIME SCENE OF  
BIG BROTHER AIRCRAF HANGAR WERE SECURED.

SA [ ] CONFERRED WITH OFFICIALS NASHVILLE METROPOLITAN  
AIRPORT AND USA CHARLES ANDERSON, MIDDLE DISTRICT OF TENNESSEE,  
NASHVILLE.

THERE ARE NO FURTHER DEVELOPMENTS REGARDING CIVIL  
ASPECTS OF THIS CASE.

BUREAU WILL BE PROMPTLY ADVISED OF ANY NEW DEVELOPMENTS.

P. END.

FBI WA RDR

54 JAN 20 1972

REC-103

164-2042-309

JAN 17 1972

cc: [ ]

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 54

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Page 66 ~ Duplicate

Page 67 ~ Duplicate

Page 68 ~ Duplicate

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Page 72 ~ Duplicate

Page 73 ~ Duplicate

Page 96 ~ Referral/Consult

Page 118 ~

(sealed court document)

Page 119 ~

(sealed court document)

Page 120 ~

(sealed court document)

Page 121 ~ Duplicate

Page 122 ~ Duplicate

Page 123 ~ Duplicate

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